

GRAFTON TOWNSHIP REGULAR BOARD MEETING MINUTES
December 8, 2011

1. Call to Order

Supervisor Moore called the meeting to order at 7:30 pm.

2. Roll Call

Present: Supervisor Moore, Trustees LaPorta, McMahon, Murphy, Zirk, Clerk Ford, Assessor Ottley, Road District Commissioner Freund.

3. Pledge of Allegiance

The Pledge of Allegiance was said.

4. Set Agenda for Meeting

The Agenda prepared by the Clerk was the only agenda.

5. Regular Business

A. Audit and Payment of Bills

1. Discussion and potential action to pay bills as submitted

Discussion: Assessor Ottley distributed his bills. He asked when Dundee Communication would be paid since it had been approved by the Board. Supervisor Moore responded that it is part of litigation and that changes everything. Trustee Murphy asked about a charge for Lego's. Assessor Ottley stated that he has cut up this card since he no longer could review bills that this is not his charge. Assessor Ottley asked when he would be reimbursed \$100 for the bathroom exhaust fan. He bought the part and the Road District employees installed it. He said this saved the Township \$1000. Trustee Zirk asked why there are no Purchase Orders since this was a policy set by the Board. Supervisor Moore said the auditors told her they were unnecessary. Trustee Murphy asked why \$130.00 was spent for a Huntley Police detail for a meeting. Trustee LaPorta asked why so much money was spent on postcards/ mailing. Supervisor Moore said it was to notify seniors of upcoming events. Trustee Zirk said she thought it was unnecessary since the events are all in the newspaper and announced at the events.

Assessor Ottley requested that it be noted in the record that Supervisor Moore refused to sign the Warrant of Assessor's Bills. (EXHIBIT I)

Motion by Trustee Zirk, seconded by Trustee LaPorta, to approve the Town Fund bills.

Roll Call

AYES: Trustees Murphy, Zirk, LaPorta

NAYS: Trustee McMahon, Supervisor Moore

ABSTAIN: None

Motion Passed.

Motion by Trustee Murphy, seconded by Trustee Zirk, to approve the Road District bills excluding the Ketchmark bill and postage which is now listed as owed to the Grafton Township Towns Fund \$463.32; the Grainger bill which is not the Road District's since it was paid by Assessor Ottley \$118.67.

Roll Call

AYES: Trustees Murphy, Zirk, LaPorta, McMahon

NAYS: Supervisor Moore

ABSTAIN: None

Motion Passed.

2. Discussion and potential action to pay outstanding bills:
Forensicon Inc. \$19880.31; MLS Mailing \$3722.76; Elgin Key and Lock \$380.74; Lamp, Inc. \$4318.75; Leading IT Solutions \$150.00; Pam Fender \$312.08; Point of Video \$1010.00; Q&A Reporting \$280.00; Trend Graphics \$1330.00; Grafton Road District for mailbox \$74.53; Trustees McMahon, Zirk, LaPorta, Murphy for 8/1/2011 Special Meeting \$100 each; Grafton Township Road District \$52,041.13.

Motion by Trustee Zirk, seconded by Trustee Murphy to pay all outstanding bills: Forensicon Inc. \$19880.31; MLS Mailing \$3722.76; Elgin Key and Lock \$380.74; Lamp, Inc. \$4318.75; Leading IT Solutions \$150.00; Pam Fender \$312.08; Point of Video \$1010.00; Q&A Reporting \$280.00; Trend Graphics \$1330.00; Grafton Road District for mailbox \$74.53; Trustees McMahon, Zirk, LaPorta, Murphy for 8/1/2011 Special Meeting \$100 each; Grafton Township Road District \$52,041.13.

Discussion: Supervisor Moore distributed a document which showed specific bills on this list that had already been paid. She stated other bills were part of the litigation. (EXHIBIT II)

Motion was amended by Trustee Zirk, seconded by Trustee LaPorta, to pay all outstanding bills: Forensicon Inc. \$19880.31; MLS Mailing \$3722.76; Elgin Key and Lock \$380.74;; Leading IT Solutions \$150.00; Trend Graphics \$1330.00; Grafton Road District for mailbox \$74.53; Trustees McMahon, Zirk, LaPorta, Murphy for 8/1/2011 Special Meeting \$100 each; Grafton Township Road District \$52,041.13.

Roll Call

AYES: Trustees, Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

ABSTAIN: None

Motion Passed.

Assessor Ottley left the meeting at 8:05 p.m.

B. Approval of Minutes

1. Minutes of November 10, 2011 Regular Township Board Meeting
2. Minutes of the November 21, 2011 Special Township Board Meeting

Motion by Trustee Murphy, seconded by Trustee LaPorta, to approve the Minutes of the November 10, 2011 Regular Township Board Meeting and the Minutes of the November 21, 2011 Special Township Board Meeting.

Roll Call

AYES: Trustees Murphy, LaPorta, McMahon, Zirk

NAYS: Supervisor Moore

ABSTAIN: None

Motion Passed.

6. Public Comment/Board Member Response to Public Comment

None

7. Old Business

- A. Discussion and potential action on updates of the 2009-2010 and 2010-2011 final audits.

Supervisor Moore stated that the auditors have not returned her calls. Each of the Trustees expressed concern as to why the audits have not been completed. Trustees McMahon, Murphy and Zirk requested that Trustee LaPorta contact the auditors again and give them a deadline. If there is no response, a new firm should be considered.

B. Discussion and potential action on appointment of a Township Attorney. Supervisor Moore stated that she is not appointing a Township Attorney. The Trustees each stated that John Nelson is not the Township Attorney and will not be paid to represent Linda in her capacity as Supervisor in the lawsuits with the Assessor and the Road District.

8. New Business

A. Discussion and potential action on approval of a TAX LEVY ORDINANCE 1282011-1, AN ORDINANCE LEVYING TAXES FOR GRAFTON TOWNSHIP FOR TAX YEAR 2011, COLLECTIBLE IN 2012.

Motion by Trustee Zirk, seconded by Trustee Murphy, to approve a TAX LEVY ORDINANCE 1282011-1, AN ORDINANCE LEVYING TAXES FOR GRAFTON TOWNSHIP FOR TAX YEAR 2011, COLLECTIBLE IN 2012.

Discussion: The Trustees were concerned about the non-standard format in which this Ordinance was prepared. TOI provides a standard format. Trustee LaPorta stated that the Supervisor did not follow this format, but added her own commentary. All of the Trustees expressed their unhappiness with the fact that the Board packets were distributed just hours prior to the meeting which does not allow the Trustees ample opportunity to review the materials and prepare for the meeting. They said it was unprofessional. The Supervisor responded that there is no statute exists that requires her to distribute the Board packet at a specific time. The Trustees discussed the possible need for a special meeting prior to the 12/27/11 deadline for filing if the format of the Ordinance is not acceptable to the County Clerk. Supervisor Moore stated that all the Trustees want is \$100.00 pay for a special meeting. Clerk Ford recommended proceeding with the vote and when she goes to the County to file, she would advise the Board if the County Clerk had issues with the format.

Motion amended by Trustee Zirk, seconded by Trustee Murphy, to approve a TAX LEVY ORDINANCE 1282011-1, AN ORDINANCE LEVYING TAXES FOR GRAFTON TOWNSHIP FOR TAX YEAR 2011, COLLECTIBLE IN 2012, on the condition of approval of the format of the McHenry County Clerk.

AYES: Trustees Zirk, Murphy, LaPorta, McMahon

NAYS: Supervisor Moore

ABSTAIN: None

Motion Passed.

B. Discussion and potential action on approval for a TAX LEVY ORDINANCE 1282011-2, AN ORDINANCE LEVYING TAXES FOR GRAFTON TOWNSHIP ROAD DISTRICT FOR TAX YEAR 2011, COLLECTIBLE IN 2012.

Motion by Trustee Murphy, seconded by Trustee Zirk, to approve a TAX LEVY ORDINANCE 1282011-2, AN ORDINANCE LEVYING TAXES FOR GRAFTON TOWNSHIP ROAD DISTRICT FOR TAX YEAR 2011, COLLECTIBLE IN 2012.

Roll Call

AYES: Trustees Murphy, Zirk, LaPorta, McMahon

NAYS: Supervisor Moore

ABSTAIN: None

Motion Passed.

C. Discussion and potential action on IMRF benefits for the position of Township Clerk.

Motion by Supervisor Moore to no longer provide IMRF benefits for the position of Township Clerk. Motion failed due to no second.

D. Establishment of agenda items for next meeting.
None at this time.

9. Reports

A. Supervisor

1. FOIA Report

She summarized the Information in the packet.

B. Trustees

C. Clerk

Clerk Ford stated that she had filled out the correct forms and submitted them to the Supervisor on 10/11/11 and again in November, 2011. She is requesting hanging files, pads of legal paper and pens to use for official business. The Supervisor has refused to order the supplies.

D. Road District Commissioner

General report of activity. He presented a document regarding bank charges and check being paid in July that is in the wrong fund. (EXHIBIT III) He also presented a document and stated that he has filed a lawsuit against Linda Moore. (EXHIBIT IV)

E. Assessor

Not present.

F. Committee Reports

Trustee Murphy stated that the Senior Transportation Committee Meeting was held. Another meeting is scheduled for December 20 at 7 p.m.

10. Executive Session

None

11. Adjournment

Motion was made by Trustee Murphy, seconded by Trustee Zirk, to adjourn the meeting.

Roll Call/Voice Vote/All present voted Aye.

Motion Passed/Meeting adjourned at 8:35 p.m.

Submitted,



Harriet Ford
Grafton Township Clerk

WARRANT LIST

BOARD OF TOWN TRUSTEES

McHenry County
Township of Grafton

We, the undersigned comprising the Board of Town Trustees of said Town of Grafton Township having duly met at the Town Clerk's office or duly designated area, on the 8 day of DECEMBER 2011, for the purpose of auditing town accounts, do hereby certify that the following claims or demands against said town were presented, and being examined were allowed at the said meeting.

TO WHOM ALLOWED		NATURE OF CLAIM	AMOUNT
Wright Express Fleet Services	1760	Fuel	\$0.00
at&t	1752	phone & internet	\$884.92
Cardinal Office Supply	1851	office supplies	\$421.29
Blue Cross Blue Shield of Illinois	1243	health insurance	\$4,190.34
Humana	1243	insurance	\$407.46
John Collier	1760	travel - hearings	\$17.27
Chad Schmidt	1760	travel - hearings plus schooling	\$24.26
Ice Mountain	1851	water	\$20.58
James Burke	1760	travel - hearings	\$31.11
Rich Alexander	1760	travel - hearings	\$27.15
Grafton Road District	1751	labor to install fan motor	\$87.75
Visual PAMSPRO	1756	software	\$300.00
William Ottley	1751	fan motor - Grainger	\$118.67
Quill	1851	office supplies	\$60.02
			\$6,590.82

In Witness Whereof, the members of said Board of Town Trustees have hereunto set their hand this 8 day of DECEMBER 2011.

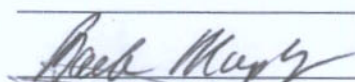
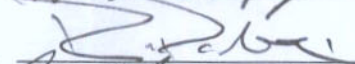
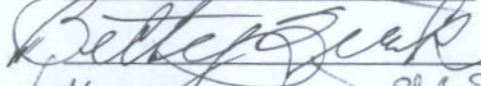
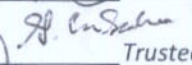
Supervisor

Trustee

Trustee

Trustee

Trustee

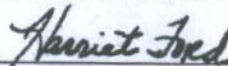



 NO VOTE - 
 TOWNSHIP BRICS

NOTICE AND AGENDA
GRAFTON TOWNSHIP REGULAR BOARD MEETING
GRAFTON TOWNSHIP, MCHENRY COUNTY, ILLINOIS
Thursday, December 8, 2011 - 7:30 p.m.
Huntley Park District, 12015 Mill Street, Huntley, IL 60142

NOTICE IS HEREBY GIVEN that the Regular Township Board Meeting of the Grafton Township Board, McHenry County, Illinois will be held on Thursday, December 8, 2011, at 7:30 p.m. for purpose of considering the following agenda:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Regular Business
 - A. Audit and Payment of Bills
 1. Discussion and potential action to pay bills as submitted.
 2. Discussion and potential action to pay outstanding bills:
Forensicon Inc. \$19880.31; MLS Mailing \$3722.76; Elgin Key and Lock \$380.74;
Lamp, Inc. \$4318.75; Leading IT Solutions \$150.00; Pam Fender \$312.08; Point of
490.00 Video \$1010.00; Q&A Reporting \$280.00; Trend Graphics \$1330.00; Grafton Road
District for mailbox \$74.53; Trustees McMahon, Zirk, LaPorta, Murphy for 8/1/2011
Special Meeting \$100 each; Grafton Township Road District \$52,041.13.
Board signs warrant lists. ↳ matter of litigation
 - B. Approval of Minutes
 1. Minutes of November 10, 2011 Regular Township Board Meeting.
 2. Minutes of November 21, 2011 Special Township Board Meeting.
6. Public Comment/ Board Members Response to Public Comment
7. Old Business
 - A. Discussion and potential action on updates of the 2009-2010 and 2010-2011 final audits.
 - B. Discussion and potential action on appointment of a Township Attorney.
8. New Business
 - A. Discussion and potential action on approval of a TAX LEVY ORDINANCE 12082011-1, AN ORDINANCE LEVYING TAXES FOR GRAFTON TOWNSHIP FOR TAX YEAR 2011, COLLECTIBLE IN 2012.
 - B. Discussion and potential action on approval for a TAX LEVY ORDINANCE 12082011-2, AN ORDINANCE LEVYING TAXES FOR GRAFTON TOWNSHIP ROAD DISTRICT FOR TAX YEAR 2011, COLLECTIBLE IN 2012.
 - C. Discussion and potential action on IMRF benefits for the position of Township Clerk.
 - D. Establishment of agenda items for next meeting.
9. Reports
 - A. Supervisor
 1. FOIA Report
 - B. Trustees
 - C. Clerk
 - D. Road District Commissioner
 - E. Assessor
 - F. Committee Reports
10. Executive Session, if required.
11. Discussion and potential action of items as discussed at Executive Session.
12. Adjournment

Dated and posted by Township Clerk
Harriet Ford this 6th day of December, 2011.



Harriet Ford

This agenda was prepared by the Township Clerk in accordance with the direction of the Township Board Rules. This notice and posting may only be removed by Grafton Township Clerk Harriet Ford.

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY

LINDA I. MOORE, in her official
capacity as GRAFTON TOWNSHIP
SUPERVISOR,

Plaintiff,

vs.

GRAFTON TOWNSHIP BOARD OF
TRUSTEES, BETTY ZIRK, GERALD
McMAHON, ROB LaPORTA, BARBARA
MURPHY, in their official capacity, and
KERI-LYN KRAFTHEFER of ANCEL,
GLINK, DIAMOND, BUSH, DiCIANNI
& KRAFTHEFER P.C., in her official
capacity as acting Grafton Township
Attorney, and GRAFTON TOWNSHIP

Defendants

NO. 10 CH 684



ORDER

THIS CAUSE coming on for hearing this 24th day of February, 2011, parties in court, Linda Moore, Supervisor of Grafton Township and Betty Zirk, Trustee of Grafton Township, represented by their respective attorneys, John M. Nelson for the plaintiff and Thomas DiCianni of Ancel, Glink, Diamond, Bush, DiCianni and Krafthefer, P.C. for the defendants, the Court being fully advised in the premises, FINDS AND ORDERS AS FOLLOWS:

1. Payment of Outstanding Bills. For the reasons stated in the court's ruling on the record the court orders that the following bills be paid:

- a. Lamp, Inc. from the General Fund;
- b. Matuszewich, Kelley & McKeever from the general fund;
- c. Pam Fender;
- d. Q and A reporting;
- e. Excellence in Copying/Trend Graphics;
- f. Point of Video.

2. The following bills shall not be paid.

- a. Elgin Lock & Key;
- b. MLS Mailing;
- c. Leading IT Solutions.

3. The Forensicon bill shall not be ordered paid at this time. The court will entertain a separate petition for the payment of this bill for the reasons stated on the record in its February 24, 2011 decision on this matter.

4. The court denies the defendants' Motion with regard to ^{remote} financial access to records for the reasons stated in its February 24, 2011 decision in this matter.

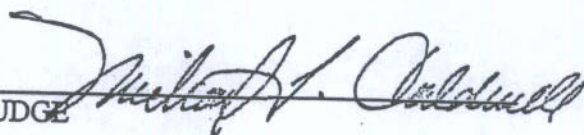
~~5. The court denies the defendants' Motion for Grafton Township use of Leading IT Solutions for the reasons stated in its February 24, 2011 decision on this matter.~~

6. The matter of the Grafton Township audit raised in Defendants' Motion appears to be moot.

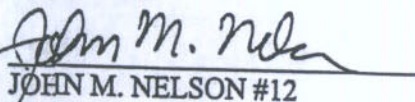
7. The request for a finding of contempt against the Plaintiff is denied.

ENTER:

JUDGE



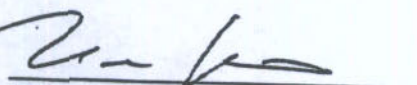
Prepared by:



JOHN M. NELSON #12

Attorney at Law
1318 E. State Street
Rockford, IL 61104
815-964-8800
815-965-4573 - fax

Read and approved by:



Thomas G. DiCianni

Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C.
140 South Dearborn Street, 6th Floor
Chicago, IL 60603

Camp Construction

Date	Type	Reference
5/7/2010	Bill	

Original Amt.
4,318.75

3/10/2011	Balance Due	Discount
	4,318.75	
	Check Amount	

Payment
4,318.75
4,318.75

CHECKING ACCOUN

4,318.75

LMP100 M/P CHECK

51N311/39287 (7/10) 599357

Check or Purchase Order

Countersigned:

Hermet Ford
Town Clerk

Date: 5-13-10

Linda Moore
Supervisor

Date: 3-11-

Missing letter
recieved from
Ian Lamp

ENTERED

Amount Billed	\$4,318.75
Total Tax	

Retainage Held

DATE DUE: 05-21-2010

Amount Due	\$4,318.7
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Pam Fender
 Date 5/7/2010 Type Bill Reference

Original Amt. 312.06
 Balance Due 312.06
 Discount
 Check Amount

3/11/2011

Payment
 312.06
 312.06

CHECKING ACCOUN

312.06

LMP100 M/P CHECK

51N311/39287 (7/10) 599357

Countersigned:

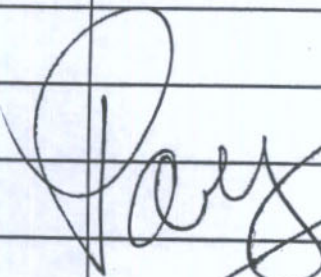
Check or Purchase Order # 19816

Harnet And
 Town Clerk

Date: 5-13-10

Linda Moore
 Supervisor

Date: 5/13/10

				
			TOTAL	312.06

Notes:



* GRAFTON TOWNSHIP IS SALES TAX EXEMPT
 (THEREFORE SALES TAX IS NONREIMBURSEABLE)

DATE Paid: _____ Check No: _____ Approved By: _____
 (Supervising Elected Official)
 Approved By: _____
 (Township Treasurer)

Q & A Reporting, Inc.

Date 2/25/2011 Type Bill Reference

Original Amt.
280.00

2/25/2011
Balance Due 280.00
Discount
Check Amount

Payment
280.00
280.00

CHECKING ACCOUNT

280.00

LMP100 M/P CHECK

51N311/39287 (7/10) 599357

Countersigned:

Check or Purchase Order #

Harriet Ford

Date: *4-8-2010*

Linda Moore

Date: *3-11-11*

Town Clerk

Supervisor



ENTERED

Total

\$280.00

Trend Graphics, Inc.

2/25/2011

Date	Type	Reference
5/7/2010	Bill	

Original Amt.	1,330.00
---------------	----------

Balance Due	1,330.00
Discount	
Check Amount	

Payment	1,330.00
	1,330.00

CHECKING ACCOUN

1,330.00

LMP100 M/P CHECK

51N311/39287 (7/10) 598357

Check or Purchase Order # 19774

Countersigned:

Harnet Ford
Town Clerk

Date: 5-13-10

Linda Moore
Supervisor

Date: 3-11-11

Meeting 2010
Packets of 12 pages 2 sides stapled sets - Resolutions
Posters

400
10

0.68
1.00

272.00
10.00



ENTERED

Overdue accounts will be charged a past-due fee of 2% per month.
Thank you for your business.

Total

\$1,330.00

10901 Union Special Plaza - Suite 117-C - Huntley, IL 60142

847-515-8617 • Fax: 847-515-8621 • Email: Office@trendg.com

10901 Union Special Plaza - Suite 117-C - Huntley, IL 60142

Ph: 847-515-8617 • Fax: 847-515-8621 • Email: office@trendg.com

File Submissions: files@trendg.com • www.trendg.com

Point of Video, Inc.

Date	Type	Reference
3/14/2011	Bill	67890

Original Amt.
490.00

Balance Due
490.00

3/14/2011	Discount
	Check Amount

Payment
490.00
490.00

CHECKING ACCOUN

490.00

LMP100 M/P CHECK

51N311/39287 (7/10) 599357

Countersigned:

Check or Purchase Order # 19819

Harriet Ford
Town Clerk

Date: 3-17-11

Linda Moore
Supervisor

Date: 3-11-11

3/23/10 Meeting	1	\$ 250.00	\$ 250.00
3/30/10 Meeting	1	\$ 250.00	\$ 250.00
4/8/10 Meeting	1	\$ 250.00	\$ 250.00
4/13/10 Meeting	1	\$ 250.00	\$ 250.00
Late fee	1	\$ 80.00	\$ 80.00
		Subtotal	\$ 1,080.00
		Total	\$ 1,080.00

1 understand it I think really is a motion either for
2 further injunctive relief or it has to be a motion
3 to enforce the Court's order, none of which is
4 really cited in the Plaintiffs' or in the movants'
5 pleadings.

6 What was cited was a reference to the --
7 there are two issues raised in the pleadings,
8 judge, that I saw. First, is the issue of the
9 payment of the trustees salary and that's based on
10 or reference to the Illinois Wage Act I believe
11 which does not apply to elected public officials.
12 They're not employees. They're a different kettle
13 of fish and there is a specific exception that they
14 would fall within indicating it doesn't apply.

15 As Mr. DiCianni indicates I think as a
16 practical matter that problem is resolved. Now in
17 researching that I mean the law is that as this
18 Court knows that for elected public officials their
19 salary has to be set six months before they're
20 elected.

21 THE COURT: Commencement of the new term.

22 MR. NELSON: Yes, and I attached a copy of the
23 ordinance. The ordinance provides that the
24 trustees get paid \$100 per meeting. It doesn't

1 specify what kind of meeting. In my research in
2 the matter I found that there are certain matters,
3 for example, the Senior Advisory Board. The
4 statute strictly provides that there cannot be
5 compensation for the members who attend that
6 meeting.

7 So I think historically, judge, as I
8 understand it the Grafton Township trustees have
9 been paid for not only the regularly scheduled
10 meetings but special meetings and I think that's
11 what's been done in this term but what that then
12 does is make the payment somewhat sporadic because
13 in this township unlike most townships they don't
14 have one regular meeting a month.

15 They're having special meetings for this,
16 special meetings for that, et cetera, et cetera,
17 et cetera. Nobody is raising including me the
18 issue of whether or not their salaries are being
19 raised or lowered which would be a violation of the
20 statute.

21 I think historically they have been paid
22 for these meetings and it probably would be a
23 proper interpretation of how the ordinance should
24 be enforced but again that's another matter but it

Road District of Grafton Township

Jack Freund, Highway Commissioner

10109 Vine Street Unit A

Huntley, IL 60142

Phone 847-669-5070

Fax 847-659-1075

HIGHWAY COMMISSIONER REPORT

November 2011

-There were no Special Moving Permits.

-Mowing.

-Patch Roads.

-Shoulder gravel.

-What are all the SERVICE CHARGES on the bank statement for? Never had any charges before.

-Need documents showing QUICKBOOK PAYROLL FEES and what month they are for.

-Check from Grafton Township (paid in July) for \$175.00 is in wrong fund. Should be in 9040 not 9050. Asked her to fix it on 10/20/11 and 11/10/11.

-Reports – Still have not received any since August.

If you have questions, please give me a call at the office and come in and see me.

COPY

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

JACK FREUND, Individually and as)
Grafton Township Road District Commissioner,)
)
Plaintiff,)

vs.)

LINDA MOORE, Individually and as)
Grafton Township Supervisor and ex officio Road)
District Treasurer,)
)
Defendant.)

FILED

DEC 07 2011

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.No. 11MR395

COMPLAINT AT LAW FOR MANDAMUS

NOW COMES Plaintiff herein, JACK FREUND, individually and as Grafton Township Road District Commissioner, by and through his attorney, Patrick D. Coen of the law firm of Zanck, Coen & Wright, P.C., complaining of LINDA MOORE, individually and as Grafton Township Supervisor and ex officio Grafton Township Road District Treasurer, pursuant to 735 ILCS 5/14-101, et seq. as follows:

1. At all times mentioned in this complaint, Plaintiff was, and still is, a resident of Grafton Township, County of McHenry, State of Illinois.
2. At all times mentioned in this complaint, Plaintiff was, and still is, the duly elected, qualified and acting Grafton Township Road District Commissioner, County of McHenry, State of Illinois.
3. At all times mentioned in this complaint, Defendant was, and still is, the duly elected, qualified and acting Supervisor of Grafton Township and ex officio Road District Treasurer, County of McHenry, State of Illinois.

NOTICE
BY LOCAL RULE 3.10
THIS CASE IS HEREBY SET FOR SCHEDULING
ON 4/11 20 12 AT 9 AM
FAILURE TO APPEAR MAY RESULT IN THE CASE
BEING DISMISSED OR AN ORDER OF
DEFAULT BEING ENTERED.

COUNT I
MANDAMUS AGAINST SUPERVISOR

4. That on or about February 10, 2011, the Town Board of Grafton Township voted to enter into an intergovernmental agreement between Grafton Township and Grafton Township Road District for the lease of office space owned by the Road District at 10109 Vine Street, Huntley, Illinois, and used by the Township as general office space, a copy of which is attached as Exhibit 1.
5. That pursuant to agreement by the Town Board and Road District, said lease was amended on or about July 14, 2011, to reduce the monthly rent to be paid by the Township to the Road District to \$1,850.00, a copy of said board action being attached as Exhibit 2.
6. That said lease for the Township office space did not include the office space in the southwest corner formerly housing the Highway Commissioner which was specifically identified and voted on by the Town Board to be vacated by the current Supervisor and turned over to the Highway Commissioner, a copy of said town minutes is attached as Exhibit 3.
7. That pursuant to the unanimous vote of the Town Board on or about October 9, 2008, the Town Board set the salary and benefits of the Highway Commissioner and his dependants, a copy of which is attached as Exhibit 4.
8. That on or about June 25, 2009, by the unanimous vote of the Town Board, after a motion made by the Supervisor, benefits for the dependant spouse of the Highway Commissioner for health coverage reimbursement, was allowed so long as said reimbursement was less than the cost of coverage as a dependant under the health

coverage obtained by the Township was authorized, a copy of said board minutes being attached hereto and made a part hereof as Exhibit 5.

9. That pursuant to board audit, said reimbursement to the Highway Commissioner for his dependant spouse's reimbursement has been made each and every month up to October, 2011 whereupon the Supervisor has refused to pay the same.
10. That the Supervisor has refused to pay the rent as duly approved by the Board after audit for the term of said lease through November, 2011 in the amount of \$1,850.00.
11. That the Supervisor has refused to vacate the southwest corner office of the demised premise despite the majority vote of the Town Board and in contravention of the subject lease.
12. That pursuant to the lease between the Grafton Township Road District and Grafton Township, the Township, as tenant, is responsible for all maintenance costs incurred on the subject property. A copy of said Intergovernmental Agreement and Lease is attached hereto and made a part hereof as Exhibit 10.
13. That the Supervisor has failed and refused to pay for a water pump replacement expense as tenant's responsibility under the subject lease despite approval after audit by the Town Board. A copy of said minutes being attached hereto as Exhibit 6.
14. That the Supervisor has failed and refused to pay for a mailbox erected on behalf of the tenant and at tenant's demand despite approval of payment after audit by the Town Board. A copy of said minutes being attached hereto as Exhibit 7.
15. As a result of said acts of Defendant Supervisor in failing to perform her duty, Plaintiff has been and is injured in that he has been forced to retain legal counsel to bring this action.

WHEREFORE, Plaintiff, JACK FREUND, individually and as Grafton Township Road District Commissioner, requests:

- A. That this Court enter a judgment for Plaintiff, directing and commanding the Defendant, LINDA MOORE, individually and as Grafton Township Supervisor, to perform the duty mandated her by 60 ILCS 1/70-15;
- B. That the Defendant be fined pursuant to the provisions of 60 ILCS 1/70-15(d);
- C. That the Defendant forfeit her office and be disqualified from acting in the future as Grafton Township Supervisor; and
- D. Any other and further, or different, relief as the Court may deem just and proper.

COUNT II
MANDAMUS AGAINST ROAD DISTRICT TREASURER

- 16. That pursuant to statute (605 ILCS 5/6-114), the Supervisor is the ex officio treasurer of the Grafton Township Road District.
- 17. That the duties of the district treasurer include receiving and having charge of all monies raised in the district for the support and maintenance of the roads . . . and holding all monies subject to the order of the highway commissioner and shall pay them over upon the order of the commissioner . . . subject to the board of town trustees . . . auditing the claims or charges for which said order is drawn. (605 ILCS 5/6-205)
- 18. That the district treasurer must keep an account in a book provided by the commissioner of all monies received and all monies paid out showing in detail to whom and on what account the same is paid. (605 ILCS 5/6-205)

19. That the highway commissioner directs the expenditure of all monies collected in the district for road purposes and draws warrants on the district treasurer as long as the warrants are countersigned by the district clerk. (605 ILCS 5/6-201.6)
20. That the highway commissioner has issued a warrant countersigned by the road district clerk and audited by the town board for reimbursement for attendance charges and meal expenses of road district officials and employees to attend the McHenry County Government Officials meeting at a board meeting on or about September 8, 2011, a copy being attached as Exhibit 8.
21. That the Treasurer has refused to pay said duly presented warrant as audited by the Town Board and continues to do so.
22. That the Treasurer has paid from Road District funds without the Highway Commissioner's authorization or audit approval of the Town Board as an expense for a Quickbooks charge of \$49.00 per month from July 2011 through November 2011, for preparing the Road District payroll.
23. That the Treasurer has refused to provide the Road District Commissioner access to the financial records of the Road District as kept by the Treasurer and despite demand by the Commissioner for said records as set forth in Exhibit 9.
24. As a result of said acts of Defendant in failing to perform her duty, Plaintiff has been and is injured in that he has been forced to retain legal counsel to bring this action.

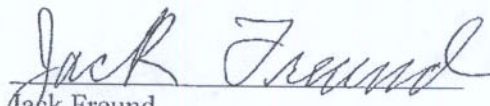
WHEREFORE, Plaintiff, JACK FREUND, individually and as Grafton Township Road District Commissioner, requests:

- A. That this Court enter a judgment for Plaintiff, directing and commanding the Defendant, LINDA MOORE, individually and as Grafton Township ex officio Road District Treasurer, to perform the duty mandated her by 60 ILCS 1/70-15; and
- B. Any other and further, or different, relief as the Court may deem just and proper.

ZANCK, COEN & WRIGHT, P.C.
Attorneys for Plaintiff

By: 

Patrick D. Coen
Atty. No. 468568


Jack Freund

This pleading prepared by the undersigned and executed in accordance with Illinois Supreme Court Rule 137.


Patrick D. Coen

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