Agenda Item V, 07/01/08

Resolution No. R-08-17

RESOLUTION RE: PETITION FOR REFERENDUM TO DISSOLVE THE MUNICIPAL CORPORATION OF THE VILLAGE OF CAMPTON HILLS

WHEREAS, a certain Petition for Referendum to Dissolve the Village of Campton Hills was filed with the Deputy Village Clerk on November 19, 2007; and

WHEREAS, the Circuit Court of the 16th Judicial District, Kane County, Illinois held that said Petition could not be placed on the ballot at the February 5, 2008 special election being held in the Village of Campton Hills, and

WHEREAS, the proponents of said Petition appealed the ruling of the said Circuit Court to the Appellate Court of Illinois, Second District and thereafter, on motion of the proponents of said Referendum, said appeal was dismissed; and

WHEREAS, on May 16, 2008 one of the proponents of said Petition appeared before the Village Clerk of the Village of Campton Hills and verbally requested that the Village Clerk certify the question of dissolution to the County Clerk for inclusion on the ballot at the General Election to be held on November 4, 2008; and

WHEREAS, it is the opinion of the Village Attorneys of the Village of Campton Hills that the Petition for a Referendum on the issue of dissolution of the Village is no longer valid, that the ballot question should not be certified to the County Clerk and the Village Attorneys have so advised the Village Clerk; and

WHEREAS, as of this date the Village Clerk has not agreed that she will follow the advice of the Village Attorneys and has indicated that she may certify the question of dissolution to the County Clerk notwithstanding the advice she has received from the Village Attorneys:

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois that:

Section 1. The Corporate Authorities concur with the opinion of the Village Attorneys and find that it would be improper for the Village Clerk to certify the question of dissolution to the County Clerk.

Section 2. The Village Attorneys are authorized to undertake any and all appropriate legal steps, in consultation with the Village President, to oppose placement of the question of dissolution of the Village on the November 4, 2008 ballot.

Section 3. This Resolution shall be in full force and effect from and after its passage and approval pursuant to law.

Passed this 1st day of July, 2008 by roll call vote as follows:

	AYES	NAYS	ABSENT	ABSTAIN
Trustee Laura Andersen	X			
Trustee Susan George			X	
Trustee Jim Kopec	X			
Trustee Albert Lenkaitis, Jr.		X		
Trustee Mike Millette			X	
Trustee John Strauss	X			
President Patsy Smith	X			

APPROVED THIS 2nd DAY OF JULY, 2008.

Patsy J. Smith

Patsy J. Smith, Village President

(SEAL)

ATTEST: Carolyn Higgins

Carolyn Higgins, Village Clerk