

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

**THE FOX RIVER AND COUNTRYSIDE FIRE/RESCUE DISTRICT
KANE AND DU PAGE COUNTIES, ILLINOIS**

RESOLUTION 2018 – 05

**A RESOLUTION
PROVIDING FOR THE SUBMISSION OF A BINDING PUBLIC
QUESTION TO INCREASE THE EXTENSION LIMITATION FOR THE
FOX RIVER & COUNTRYSIDE FIRE/RESCUE DISTRICT TO BE
SUBMITTED TO THE ELECTORS OF THE DISTRICT AT
THE GENERAL ELECTION TO BE HELD NOVEMBER 6, 2018**

WHEREAS, the FOX RIVER AND COUNTRYSIDE FIRE/RESCUE DISTRICT (hereinafter the “DISTRICT”) is a municipal corporation and body corporate of the State of Illinois, duly organized and existing under the provisions of the Fire Protection District Act, 70 ILCS 705 (2012) (the “Act”); and

WHEREAS, the DISTRICT is empowered by the Act to exercise all powers necessary or appropriate in order that they may engage in the acquisition, establishment, maintenance and operation of fire stations, facilities, vehicles, apparatus and equipment for the prevention and control of fire therein and the underwater recovery of drowning victims, and provide as nearly adequate protection from fire for lives and property within the districts as possible and regulate the prevention and control of fire therein; and

WHEREAS, the Act provides that the powers aforesaid conferred upon such fire protection districts are public objects and governmental functions in the public interest; and

WHEREAS, the Board of Trustees of the District has determined that it is the best interest of the residents and property owners within the District that a proposition to increase the extension limitation for the District be submitted to the electors of the District to be voted upon at the November 6, 2018 General Election; and

WHEREAS, the aforesaid proposition was submitted to the electors of the District at the March 20, 2018 General Primary Election but subsequent thereto an Election Contest was filed in the Circuit Court of the Sixteenth Judicial Circuit as Case No. 2018 MR 587, entitled, “Maureen A. McAllister et al. vs. The Fox River & Countryside Fire/Rescue District, et al..” (the “Election Contest”); and

WHEREAS, on the 13th day of July, 2018, a Judgment Order was entered in the Election Contest by the Honorable David R. Akemann finding and determining that the proposition was not properly submitted to the electors of the District at the aforesaid General Primary Election by reason of an error in the ballot, and ordering that the results of the General Primary Election on the proposition were annulled, set aside and held for naught; and

WHEREAS, the Judgment Order further ordered and directed that the Kane County Clerk and the DuPage County Election Commission to resubmit the referendum question to the electors of the District at the November 6, 2018 General Election; and

WHEREAS, this Resolution resubmitting the proposition hereinafter set forth is adopted in conformance with and obedience to the Judgment Order in the Election Contest,

NOW, THEREFORE BE IT RESOLVED by the BOARD OF TRUSTEES OF THE FOX RIVER AND COUNTRYSIDE FIRE/RESCUE DISTRICT, KANE AND DU PAGE COUNTIES, ILLINOIS, as follows:

SECTION 1. The facts and statements contained in the preamble to this Resolution are hereby determined by the Board of Trustees of the District to be true and correct, and are hereby incorporated herein as if fully set forth.

SECTION 2. The Board of Trustees of the DISTRICT hereby resolves to submit the following binding public question to the electors of the District to be voted upon at the General Election to be held on November 6, 2018.

“Shall the extension limitation under the Property Tax Extension Limitation Law for the Fox River & Countryside Fire/Rescue District, Kane and DuPage Counties, Illinois, be increased from the lesser of 5% or the percentage increase in the Consumer Price Index over the prior levy year to 60% per year for the 2018 levy year?”

YES ☐

NO ☐

SECTION 3. The ballot submitted shall have printed thereon, but not as a part of the question submitted, only the following supplemental information:

Supplemental Information Submitted Pursuant to 35 ILCS 200/18-205

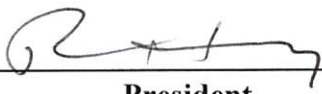
For the 2018 levy year the approximate amount of the additional tax extendable against property containing a single family residence and having a fair market value at the time of the referendum of \$100,000 is estimated to be \$ 53.00.

SECTION 4. This Resolution shall be in full force and effect from and after its passage, and shall be certified by the Secretary or his designee to the appropriate Election Authorities within the time provided by law for submission to the electors of the District at the November 6, 2018 General Election.

SECTION 5. The President and the attorney for the District are authorized and empowered to make non-material corrections to the Supplemental Information set forth in

Section 3 of this Resolution based upon new or corrected information available to the District, to the fullest extent permitted by law.

ROBERT HANDLEY, President



President

ATTEST:

THOMAS MOLLENHAUER



Secretary

PASSED THIS 30th DAY OF JULY, 2018 BY A ROLL CALL VOTE as follows:

AYES: Trustees Dunham, LeBlanc, Mollenhauer, Wegman; President Handley – 5

NAYS: None

ABSENT: None

SECRETARY'S CERTIFICATION

The undersigned, THOMAS MOLLENHAUER, does hereby certify that he is the duly elected and acting Secretary of the FOX RIVER AND COUNTRYSIDE FIRE/RESCUE DISTRICT, an Illinois unit of local government, that he is the keeper of the records and files of the said District, and that the following Resolution No. 2018-05 entitled,

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was duly adopted at a Special Meeting of the Board of Trustees of the District held on the 30th day of July, 2018, at which time a quorum of the Board of Trustees was present;

I do further certify that the said Resolution was presented and adopted in accordance with all applicable requirements of the Illinois Open Meetings Act and that the within Resolution is a true and exact copy of the original on file in the District Offices.

DATED this 30th day of July 2018



Thomas Mollenhauer – Secretary

(SEAL)