

RESOLUTION 2025-5

**AUTHORIZING A REQUEST FOR EMERGENCY APPROPRIATION BY THE COUNTY BOARD OF SANGAMON COUNTY**

**WHEREAS**, the Veterans Assistance Commission of Sangamon County (the "VAC" or "Commission") is a duly organized Veterans Assistance Commission under the Illinois Military Veterans Assistance Act, 330 ILCS 45/1 et seq. (the "MVAA"), and is charged with providing just and necessary assistance and services to eligible veterans within Sangamon County, Illinois; and

**WHEREAS**, pursuant to Section 45/2(2) of the MVAA, "[i]f [a] . . . county board fails or refuses after a recommendation to provide just and necessary sums of money for the assistance and service to eligible veterans, then the Superintendent of the [VAC] shall apply to the circuit court . . . for relief by mandamus . . . requiring [the county board] to pay, or to appropriate and pay such sums of money . . ."; and

**WHEREAS**, in an attempt to avoid unnecessary litigation, the VAC submitted a Request for Assistance to the Military and Veterans Rights Bureau of the Office of the Illinois Attorney General ("MVRB") on September 3, 2024, seeking mediation assistance to determine, in part, whether there is a minimum amount that the County is mandated to fund the VAC; and

**WHEREAS**, at the November 12, 2024, meeting of the Sangamon County Board, Sangamon County Assistant States Attorney Joel Benoit characterized the County's obligation to provide such funding as an "agreement" and stated that in the absence of such "agreement", the matter shall be resolved by the circuit court; and

**WHEREAS**, on November 27, 2024, Assistant Attorney General Ronald Michel of the MVRB responded to the Request for Assistance submitted by the VAC, wherein he clarified his office's interpretation of the statutory minimum funding under Section 45/2(1)(B) of the Act as a cross reference to the funding required under the Public Aid Code, 305 ILCS 5/12-21.13, and that a determination of a lesser amount which may constitute the required funding to adequately see to the "just, necessary, and needed assistance" is a determination to be made by the VAC, and not the County; and

**WHEREAS**, among other failures and refusals to pay just and necessary sums of money, the County and its officers have failed and refused to pay warrants duly submitted by the VAC Superintendent for legal fees incurred in the course of the VAC's official duties; and

**WHEREAS**, despite its best attempts to avoid such costly litigation, which costs will ultimately be borne by the taxpayers of Sangamon County, Illinois, the VAC is obligated, pursuant to Section 45/2(2) of the MVAA, to apply to the circuit court for relief by mandamus where the county board has failed and refused to pay just and necessary sums of money and warrants duly submitted by the Superintendent of the VAC; and

**WHEREAS**, the Commission has authorized and directed the Superintendent and legal counsel to initiate an action for mandamus and declaratory judgment against the County of Sangamon and its officers to compel compliance with its statutory duties under the MVAA; and

**WHEREAS**, due to ongoing litigation necessary to compel the County to comply with the MVAA, the VAC has incurred, and will foreseeably continue to incur, tens of thousands of dollars in additional legal fees beyond the amounts originally budgeted for the Fiscal Year beginning on December 1, 2023 and ending on November 30, 2024 ("FY2024") and the Fiscal Year beginning on December 1, 2024 and ending on November 30, 2025 ("FY2025"); and

**WHEREAS**, the original budgets for FY2024 and FY2025 did not contemplate these extraordinary legal expenses, and the VAC finds that these expenses would have been unnecessary had the County initially complied with the MVAA; and

**WHEREAS**, pursuant to 55 ILCS 5/6-1003, the County Board has the authority to make appropriations in excess of those authorized by the budget in order to meet an immediate emergency; and

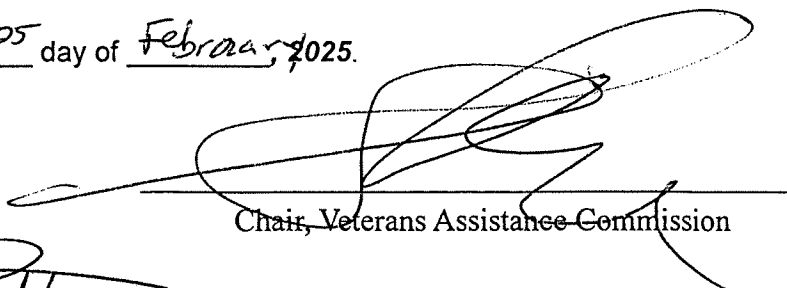
**WHEREAS**, the VAC finds that an emergency appropriation of One Hundred Fifty Thousand Dollars (\$150,000) is necessary to meet its obligation to file suit against the County Board and its officers to mandate that it comply with the requirements set forth by the MVAA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Veterans Assistance Commission of Sangamon County as follows:

1. That the Superintendent is hereby authorized and directed to formally request an emergency appropriation from the County Board in the amount of One Hundred Fifty Thousand Dollars (\$150,000) to cover legal expenses arising from litigation necessary to compel the County's compliance with the MVAA; and
2. That the Commission finds and declares that this expense is necessitated solely by the County's failure to comply with the MVAA and would not have been required had such compliance been forthcoming; and
3. That a certified copy of this Resolution shall be transmitted to the County Board for its immediate consideration.

PASSED AND APPROVED this 25 day of February, 2025.

ATTEST:



Chair, Veterans Assistance Commission