

RESOLUTION 2025-4

**AUTHORIZING AN ACTION FOR MANDAMUS AND DECLARATORY JUDGMENT AGAINST
THE COUNTY OF SANGAMON AND ITS OFFICERS**

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 "Act"), 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(1)(B) of the Act, "[t]he minimum amount to be provided annually to the [VAC] is [0.02% of the last known equalized assessed value of the taxable property in the county], unless the delegates of the VAC determine that a lesser amount covers the just and necessary sums"; and

WHEREAS, the VAC recommended that the County Board of Sangamon County (the "County") appropriate to the VAC \$739,686.00 for the County's Fiscal Year beginning December 1, 2024, and ending November 30, 2025 ("FY2025"), which is less than 0.02% of the last known equalized assessed value of the county; and

WHEREAS, the County Administrator Brian McFadden and Auditor Andy Goleman refused to budget or appropriate the funds determined and recommended by the VAC to be necessary for carrying out its statutory responsibilities; and

WHEREAS, on November 27, 2024, Assistant Attorney General Ronald Michel of the Military and Veterans Rights Bureau of the Office of the Illinois Attorney General responded to a 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, on November 12, 2024, the County Board adopted a Resolution approving the Annual Budget and Appropriation Ordinance for the County of Sangamon, Illinois for FY2025, which appropriated \$529,938.00 to the VAC; and

WHEREAS, despite receipt of the November 27, 2024 letter from the Military and Veterans Rights Bureau advising that the determination of an amount less than the minimum funding under Section 45/2(1)(B) of the Act was solely within the Commission's discretion, the County Board failed and refused to amend the Annual Budget and Appropriation Ordinance adopted on November 12, 2024 to budget and appropriate the amount determined by the VAC to cover the just and necessary sums required for the just, necessary, and needed assistance to veterans; and

WHEREAS, pursuant to Section 45/2(2) of the Act, "[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, pursuant to Section 45/2(3) of the Act, “[o]rders of . . . superintendents of . . . those Veterans Assistance Commissions shall be proper warrants for the expenditure of such sums of money”; and

WHEREAS, the Commission and its Superintendent have statutory authority, pursuant to Section 45/9(b) of the Act, over the oversight and distribution of all money and supplies appropriated for the benefit of military veterans and their families; and

WHEREAS, pursuant to Section 45/10(e) of the Act, “. . . the county shall provide or fund services . . .”; and

WHEREAS, Illinois courts have held that a “VAC may retain attorneys or other professionals to provide professional services”, *Lavite v. Dunstan*, 2019 Ill. App. (5th) 170114 ¶ 59; and

WHEREAS, the Superintendent of the VAC has reviewed, approved, reported to the full Commission membership and presented warrants to the County Board which included itemized claims for the payment of invoices for legal services rendered by Miller, Hall & Triggs, LLC; and

WHEREAS, the Sangamon County State's Attorney's office requested the invoices for legal services rendered by Miller, Hall & Triggs, LLC be held for review and directed the Sangamon County Auditor's office not to pay warrants for such invoices; and

WHEREAS, 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, Section 45/10(g) of the Act provides that “[t]he county board shall, in any county where a [VAC] is organized, in addition to sums appropriated for just, necessary, and needed services as provided by law and approved by the Commission under [the] Act, appropriate additional sums, upon the recommendation of the VAC to properly compensate the officers and employees required to administer such assistance . . .”; and

WHEREAS, on October 19, 2022, the Commission adopted Resolution 22-1 which established proper compensation for the VAC employees; and

WHEREAS, in August 2024, October 2024 and November 2024, the VAC directed the County to raise the rate of compensation for its employees, including through use of the County's “Approval to Hire, Promote, or Adjust Salary” form; and

WHEREAS, Resolution 22-1 was presented to the County and its officers to support the August 2024, October 2024, and November 2024 direction to raise the rate of compensation for VAC employees; and

WHEREAS, the County and its officers have failed and refused to implement adjustments to the rates of compensation for VAC officers and employees as duly authorized and recommended by the VAC as the proper compensation required to administer such assistance; and

WHEREAS, Section 45/10(d) of the Act provides that “[t]he designated superintendent of the [VAC], under the direction of the Commission, shall have charge of and maintain an office in the county building or a central location within the county, to be used by the Commission for providing the just, necessary, and needed services mandated by law”; and

WHEREAS, Section 45/10(e) of the Act further requires that “[t]he county shall provide for the funding of the office and provide all necessary furnishings, supplies and services as passed by the County Board in its annual appropriation. . .”; and

WHEREAS, Section 45/10(a) of the Act also provides that “[t]he executive powers of the Commission [are] vested in the [the] superintendent”; and

WHEREAS, the Commission, in consultation with its Superintendent, has determined that the office space currently occupied by the VAC is inappropriate and inadequate to provide the just, necessary, and needed services mandated by law; and

WHEREAS, the Superintendent and the County through its officers, have attempted to work toward a collaborative solution since at least February of 2024; and

WHEREAS, the County and its officers have failed for over 12 months to provide the VAC with suitable office space suitable to fulfill its legal obligations and provide just, necessary, and needed services to eligible veterans; and

WHEREAS, the absence of suitable office space has forced the VAC to operate under inadequate conditions, limiting its ability to effectively serve eligible veterans and exposing it to liability for violations of privacy laws, rules, and regulations; and

WHEREAS, although the County is required to provide funding for the office pursuant to Section 45/10(e) of the Act, the County has effectively charged rent to the VAC since at least January 2024; and

WHEREAS, the failure of the County and its officers to appropriate necessary funds, pay duly presented warrants, provide proper compensation to VAC employees, and provide suitable office space has resulted in undue hardship for veterans who rely on the VAC for financial and social support; and

WHEREAS, pursuant to Illinois statute and case law, the County has a clear duty to provide appropriate funding, pay duly presented warrants, provide proper compensation to VAC officers and employees, and fund a suitable and adequate office and lacks the discretion to determine that a lesser appropriation covers the necessary sums to provide just and necessary assistance and services to eligible veterans, to determine whether to pay duly presented warrants of the VAC, to determine what is proper compensation for VAC employees; and to determine the adequacy and suitability of the VAC’s office space; and

WHEREAS, the VAC has a clear right to the full recommended appropriation if it is below the minimum established by statute, to have the county pay duly presented warrants, to have its officers and employees properly compensated, to have a suitable and adequate office funded, and to have any rent paid in contravention of the Act refunded by the county; and

WHEREAS, a preliminary draft of a Verified Complaint for Mandamus and Declaratory Relief is attached as Exhibit A.

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

1. The VAC hereby authorizes and directs its 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 330 ILCS 45/1 et seq.
2. The VAC Superintendent and legal counsel are hereby authorized to take all necessary actions to effectuate this Resolution, including but not limited to filing the appropriate legal actions and engaging in any negotiations or proceedings necessary to enforce the rights of the VAC and the veterans it serves.
3. This Resolution shall take effect immediately upon passage and shall remain in force unless modified or rescinded by a subsequent resolution of the Commission.

PASSED AND APPROVED this 25 day of February, 2025.

ATTEST:



Casandra S. Peters

Secretary



Chair, Veterans Assistance Commission

EXHIBIT A

Verified Complaint for Mandamus and Declaratory Relief