

Resolution No. 05-01

RESOLUTION IN SUPPORT OF ORDINANCE NO. -143

WHEREAS, the McHenry County State's Attorney has issued a letter providing a legal opinion regarding the calculation of the rate increase factor as it applies to public questions appearing on the ballots; and

WHEREAS, the District has been advised by their legal counsel that the rate increase factor, based upon the McHenry County State's Attorney letter, is the difference between the old maximum statutory rate of .30% and the new requested rate of .48% to provide an effective tax rate increase of .18% and an actual tax rate of approximately .29%; and

WHEREAS, in light of the opinion of the McHenry County State's Attorney, the Woodstock Fire/Rescue District passed Ordinance -143 on December 23, 2004 to submit the public question to the voters of McHenry County of whether or not the District should be authorized to increase the special tax for ambulance service from .30% to .48% of all taxable property in the District as equalized or assessed by the Department of Revenue in order to increase its rate to no higher than .30%; and

WHEREAS, the District is subject to the laws of the State of Illinois governing and controlling Special Districts under 70 ILCS 705/1; and

WHEREAS, the District is authorized by Illinois Statute, and further, by an approved referendum, to levy at a tax rate not to exceed .30% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue (70 ILCS 705/22);

WHEREAS, the Constitution of the State of Illinois prohibits governments from exercising powers that are not expressly granted to them by statute (Illinois Const., Article VII Section 7); and

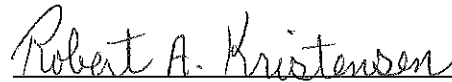
WHEREAS, it is not the intent of the District to seek authorization to actually extend a levy amount in excess of the amount of .30% as authorized by statute but rather get the actual tax rate of the District back to .30%; and

WHEREAS, the District realizes that it will request, from time to time, a levy amount in excess of the .30% rate, knowing that rate is subject to the Property Tax Extension Limitation Act (PTELA) and statutory limitation.

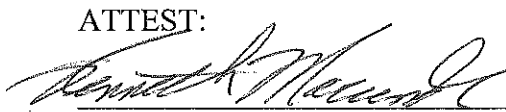
THEREFORE, BE IT RESOLVED by the President and Trustees of the Woodstock Fire/Rescue District the District shall request that the McHenry County Clerk's Office not extend the actual levy rate in excess of .30% for the Ambulance Service Fund.

PASSED AND APPROVED this 24th day of February, 2005.

AYES:	<u>5</u>
NAYES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>



Robert A. Kristensen, President

ATTEST:


Kenneth Marunde, Secretary