

MILTON TOWNSHIP BOARD

RESOLUTION NO. R-05-7

A RESOLUTION REVOKING RESOLUTION NO. R-01-06
RESOLUTION OF CENSURE

WHEREAS, the Milton Township Board of Trustees adopted Resolution No. R-01-06, Resolution of Censure, A Resolution of Milton Township, County of DuPage, Illinois Censuring the Assessor, James Gumm on December 11, 2001; and

WHEREAS, Assessor James Gumm subsequently filed suit in the U.S. District Court for the Northern District of Illinois, Case No. 03 C 8174, against Township Supervisor O. Chris Heidorn, James Flickinger, and Barbara Murphy, individually and in their capacities as Milton Township Trustees, and against Township employees Ron Smith and Carol Scholl, and against James Philip; and

WHEREAS, in said cause of action, the Assessor filed an Amended Complaint containing several counts, among them, a violation of his civil rights under 42 U.S.C. §1983, unlawful bill of attainder, abuse of governmental authority, injunctive relief, breach of Settlement Agreement, conspiracy under common law and 42 U.S.C. §1985 and pursuant to RICO, 18 U.S.C. §1961; and

WHEREAS, the Township Supervisor, Trustees and employees deny any liability to Assessor Gumm on the allegations made in his complaint; and

WHEREAS, Assessor Gumm and the Defendants named in the Complaint wish to avoid continued litigation and to fully settle and compromise all claims which have been made, or which could have been made in the Complaint, its amendment, or by way of a counterclaim by any Defendant; and

WHEREAS, the Township and the Assessor have entered into a Settlement Agreement pursuant to which the matters raised in the Complaint have been fully compromised and settled, and pursuant to which Settlement Agreement, the Township has agreed to the revocation and rescission of the aforesaid Resolution No. R-01-06.

NOW, THEREFORE, BE IT RESOLVED by the Supervisor and the Board of Trustees of the Milton Township Board, DuPage County, Illinois, as follows:


Section 1. That the recitals set forth above are incorporated herein and made a part hereof.

Section 2. That Resolution No. R-01-06, A Resolution of Censure is hereby revoked and rescinded in its entirety.

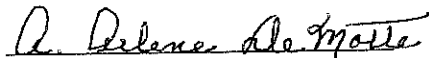
PASSED this 13th day of September, 2005.

| | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-----------------------------|------------|------------|---------------|
| Supervisor O. Chris Heidorn | X | | |
| Trustee James Flickinger | | X | |
| Trustee Sal Falbo | X | | |
| Trustee Robert Larson | | | X |
| Trustee Leonard Sanchez | X | | |

APPROVED this 13th day of September, 2005.


O. Chris Heidorn, Supervisor and Chairman
of the Milton Township Board of Trustees

ATTEST:


A. Arlene DeMotte, Town Clerk