

February 22, 2024

VIA EMAIL (jbertinotarrant@willcounty.gov)

& HAND DELIVERY

Jennifer Bertino-Tarrant
Will County Executive
302 N. Chicago Street
Joliet, IL 60432

***RE: CEASE AND DESIST—
143rd STREET & COUNTY BOARD RESOLUTION #24-27***

Dear Executive Bertino-Tarrant:

On February 15, 2024, a bi-partisan majority of the Will County Board adopted Resolution Number 24-27, directing the Will County Division of Transportation to cease moving forward with the 143rd Street expansion road project as currently planned. On February 16, 2024, you signed said Resolution, which was attested to by the Will County Clerk. A copy of said executed, approved Resolution is enclosed herewith for your reference.

The undersigned is further aware that you claim that the approval of the Resolution, and subsequent delivery to the County Clerk and County Board, was in “error” and that you now are attempting to veto that previously approved Resolution. The purpose of this correspondence is to inform you that your purported veto is not considered valid and has been attempted without any legal basis. Any steps to further activities and the expenditure of County funds that contradict Resolution Number 24-27 will result in immediate legal action against you in addition to any further investigatory or administrative remedies and options that may be available.

As you are aware, 55 ILCS 5/2-5010 states, “If the county executive approves such ordinance, resolution or motion, the county executive shall sign it; if not, the county executive shall return it to the board with the objections, which shall be entered and spread upon the journal, and the board shall proceed to reconsider the matter.” There is no provision allowing the County Executive to reconsider her own approval after it was made. There is no provision allowing for a “do-over.” There is no provision allowing for an “oops.” There is no provision that discusses the effect of the County Executive executing documents and approving resolutions *without reading them* or where it is apparently routine for staff to effectuate the approval process without the County Executive’s knowledge.

There are additional legal and practical concerns regarding the County Executive's legal authority to even veto this type of resolution or what the possible effect of a “veto” of a resolution that halts the objectionable and disastrous proposed construction in its current form, but those need not be discussed in detail at this time. Nevertheless, the blatantly unauthorized, illegal, and specious

attempt to circumvent the will of a majority of the County Board, which you approved, and the clear voice of the affected local governments and their residents, will not be allowed to stand.

We do hope that this matter can be resolved swiftly and as amicably as possible. I am aware that the County Board Chair has requested an opinion to be issued by our State's Attorney and we will, if needed, engage outside counsel with expertise in this area. Especially while these opinions are pending, and based on the plain language of the law, it is requested that you, your office, the Division of Transportation, and any other County agency, employee, or contractor, refrain from any work in furtherance of the previous 143rd Street five (5) lane expansion project. We would also be happy to further discuss plans for a three (3) lane expansion with the third (3rd) lane being a turning lane on 143rd Street.

Therefore, demand is hereby made for you to immediately CEASE AND DESIST any and all activities in contradiction to Resolution 24-27.

Failure to abide by this correspondence shall result in immediate legal action to pursue any and all remedies against you and your office. Furthermore, proceeding against the will of the County Board will demonstrate that there is a likely need to conduct a full investigation into your office and its practices to uncover the depth of your mismanagement and possible allowance of illegal, unauthorized, and/or unsupervised execution of duties vested solely in the County Executive herself.

Please kindly advise that you have received this correspondence and that you intend to abide by same. Failure to respond or communicate otherwise by **Monday, February 26, 2024, at 9:30 AM**, will be deemed a refusal and will necessitate appropriate action.

Very truly yours,



Stephen J. Balich
Homer Township Supervisor
Will County Board Leader

Enclosure.

CC: Will County Board Members
Will County Clerk
Homer Township Highway Commissioner
Homer Township Board Members