Resolution of the County Board
of
Kankakee County, Illinois

RE: STATE'S ATTORNEY'S APPELLATE PROSECUTOR PROGRAM – FY 2019

WHEREAS, the Office of the State’s Attorneys Appellate Prosecutor was created to provide services to State’s Attorney’s in Judicial Districts containing less than 3,000,000 inhabitants; and,

WHEREAS, the powers and duties of the Office of the State’s Attorneys Appellate Prosecutor are defined and enumerated in the “State’s Attorneys Appellate Prosecutor’s Act,” 725 ILCS 210/1 et seq., as amended; and,

WHEREAS, the Illinois General Assembly appropriates money for the ordinary and contingent expenses of the Office of the State’s Attorneys Appellate Prosecutor, one-third from the State’s Attorneys Appellate Prosecutor’s County Fund and two-thirds from the General Revenue Fund, provided that such funding receives county approval and support from within the respective Judicial districts eligible to apply; and,

WHEREAS, the Office of the State’s Attorneys Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State’s Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and,

WHEREAS, the Office of the State’s Attorneys Appellate Prosecutor and the Illinois General Assembly have reviewed and approved a budget for Fiscal Year December 1, 2018 through November 30, 2019, and the amount of twenty-four thousand dollars will provide for the continued operation of the Office of the State’s Attorneys Appellate Prosecutor.

NOW, THEREFORE, BE IT RESOLVED by the Kankakee County Board during their regular session of January 9, 2018, hereby supports the continued operation of the Office of the State’s Attorneys Appellate Prosecutor, and designates the Office of the State’s Attorneys Appellate Prosecutor as its Agent to administer the operation of the appellate offices and process the appellate court cases for Kankakee County.

BE IT FURTHER RESOLVED that the Attorneys employed by the Office of the State’s Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State’s Attorneys on behalf of the State’s Attorney of Kankakee County in the appeal of all cases, when requested to do so by the State’s Attorney, and with the advice and consent of the State’s Attorney to prepare, file and argue appellate briefs for those cases, and also, as may be requested by the State’s Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, the
Cannabis Control Act, the Drug Asset Forfeiture Procedure Act and the Narcotics Profit Forfeiture Act. Such Attorneys are further authorized to assist the State’s Attorney in the State’s Attorneys duties under the Illinois Public Labor Relations Act, including negotiations, as well as in the trial and appeal of tax objections.

BE IT FURTHER RESOLVED that the Attorneys employed by the Office of the State’s Attorneys Appellate Prosecutor may also assist the State’s Attorney of this County in the discharge of the State’s Attorneys duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction.

BE IT FURTHER RESOLVED that if the Office of the State’s Attorneys Appellate Prosecutor is duly appointed to act as a Special Prosecutor in this County by a Court having jurisdiction, this County will provide reasonable and necessary administrative support on an as-needed basis.

BE IT FURTHER RESOLVED that the Kankakee County Board hereby agrees to participate in the service program of the Office of the State’s Attorneys Appellate Prosecutor for Fiscal Year December 1, 2018 through November 30, 2019, by hereby appropriating the sum of twenty-four thousand dollars ($24,000) as consideration for the express purpose of providing a portion of the funds required for financing the operation of the Office of the State’s Attorneys Appellate Prosecutor, and agrees to deliver the same to the Office of the State’s Attorneys Appellate Prosecutor on request during the Fiscal Year December 1, 2018 through November 30, 2019.

ADOPTED and PASSED this 11th day of December, 2018.

Andrew Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk