

RESOLUTION NO. T-2020-09-017R

**A RESOLUTION APPROVING THE PROPOSAL OF THE CHAMPAIGN
COUNTY TREASURER CONCERNING POST-JUDGMENT INTEREST**

WHEREAS, there is an issue between the Champaign County Treasurer and various taxing districts concerning post-judgment interest paid by the Champaign County Treasurer in the case of The Carle Foundation v. Illinois Department of Revenue, et al., No. 2008-L-202; and

WHEREAS, on behalf of the Champaign County Treasurer the Champaign County State's Attorney has made a proposal to settle the issue, a copy of which is attached to this Resolution; and

WHEREAS, the Township Board of the Town of Cunningham considers it to be in the best interest of the Town of Cunningham to accept the proposal of the Champaign County Treasurer,

NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Town of Cunningham that the proposal of the Champaign County Treasurer as set forth in the letter dated July 24, 2020, from the Champaign County States Attorney is accepted.

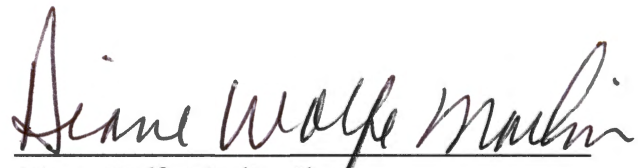
Approved on September 28, 2020, by the Township Board of the Town of Cunningham, Champaign County, Illinois.

Ayes: Brown, Colbrook, Hursey, Laut, Miller, Roberts, Wu

Nays:



Rhylis D. Clark, Town Clerk


Diane Wolfe Marlin, Chair

Julia R. Rietz
State's Attorney

Joel Fletcher
Senior Assistant State's Attorney
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**Office of
State's Attorney
Champaign County, Illinois**

July 24, 2020

Frederic Grosser
201 West Springfield, Suite 503
Champaign, Illinois 61820

Jim Simon
City of Urbana Legal Department
400 South Vine Street
Urbana, Illinois 61801

**THIS COMMUNICATION IS BEING MADE AS AN OFFER OF COMPROMISE
SUBJECT TO THE LIMITATIONS ON USE IN ILLINOIS RULE OF
EVIDENCE 408(a)**

Re: Post judgment interest in 2008-L-202

Mr. Grosser and Mr. Simon:

As you know, there has been an ongoing disagreement between the Treasurer's Office and your clients (the City of Urbana, Cunningham Township, the Champaign-Urbana Public Health District) about how to account for post-judgment interest resulting from the February 5, 2020, order in Carle Found. v. Cunningham Twp, et al., 2008-L-202. I understand your clients' position to be that: (1) no post-judgment interest accrued at all because the judgment was paid within 60 days of its entry; and (2) if post-judgment interest were to accrue, your clients should not be responsible for the entire delay from the date of the judgment through the March 23, 2020, date of payment of the judgment.

For the reasons I have previously articulated, post-judgment interest did, in fact, accrue pursuant to 735 ILCS 5/2-1303, as of the day after the judgment, and the argument to the contrary appears to rest on a misapplication of 35 ILCS 200/20-178 to this context. The Treasurer's office believes that the delay between the judgment and payment was

entirely reasonable under the circumstances presented, and allocation of all of the post-judgment interest amongst the taxing districts is fair.

However, in the spirit of intergovernmental cooperation and in an effort to resolve this issue amicably, the Treasurer proposes capping the liability of each non-settling taxing district for post-judgment interest as of 10 days after that district tendered payment to the Treasurer. This approach would adjust each district's share of post-judgment interest as follows:

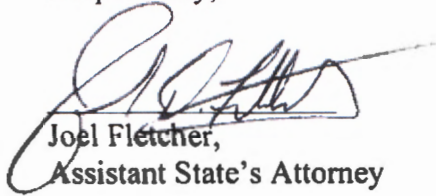
	A	B	C	D	E	F
District	Principal	Share of total judgment	Pro rata share of Interest	Days between judgment and payment to Treasurer	Adjustment for delay in payment + 10 days	Adjusted share of post-judgment interest
Formula		A / \$5,273,076.66	B x \$40,692.99		(D + 10) / 47	C x E
Urbana	\$2,531,912.24	0.48	\$19,539.08	16	0.55	\$10,746.49
Cunningham Township	\$376,295.85	0.07	\$2,903.92	28	0.81	\$2,352.18
C-U Public Health	\$208,589.71	0.04	\$1,609.71	36	0.98	\$1,577.52

If this approach is followed, a refund would be given to the Champaign-Urbana Mass Transit District reflecting a similar adjustment for post-judgment interest it has already paid.

The Treasurer intends to make the next tax distribution next Friday, July 31, 2020, or shortly thereafter. The Treasurer intends to withhold the entire post-judgment interest amount (corresponding with column C, above) from this distribution, and hold it in a segregated fund for a reasonable period until an agreement on this issue can be formalized, or if an agreement cannot be reached, until the parties can obtain guidance from the Court.

Given the upcoming distribution, I would appreciate having your response at your earliest opportunity after discussing this proposed settlement with your client.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joel Fletcher', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joel Fletcher,
Assistant State's Attorney

Cc: Ross McNeil