

1992 WL 184297

Only the Westlaw citation is currently available.
United States District Court, N.D. Illinois, Western
Division.

PEOPLE WHO CARE, et al., Plaintiffs,
v.
ROCKFORD BOARD OF EDUCATION, SCHOOL
DISTRICT # 205, Defendant.

Civ. A. No. 89 C 20168. | Jan. 31, 1992.

Attorneys and Law Firms

Robert C. Howard, Chicago, Ill., for plaintiffs.

Anthony G. Scariano, Chicago, Ill., John Schmidt,
Rockford, Ill., for defendant.

Stephen G. Katz, Chicago, Ill., for intervenor.

Opinion

ORDER

ROSZKOWSKI, District Judge.

***1** This cause coming on to be heard on Defendant's Motion For Leave To File A Corrected Tax Levy And For Leave To Add Certain Parties, the Court having considered the concurrence of the Plaintiffs and the Court appointed Monitor therewith, and after having heard the parties and considered their arguments, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Leave is granted to add the County Clerks of Boone and Winnebago Counties (the "County Clerks") only for the limited purposes of the relief to be granted herein. Objections to such joinder may be filed within ten (10) days of this Order's entry.

2. Defendant is granted leave to adopt its amended 1991 tax levy in the form as set forth in Exhibit A, attached hereto and made a part hereof, increasing the levy for Tort Immunity purposes from the previous levy adopted on November 26, 1991 in the amount of \$2,305,000.00, for a total levy for such fund of \$8,250,000.00 (\$6,800,000.00

A copy of this Certificate of Tax Levy shall be filed with each County Clerk of each county in which the school district is located on or before the last Tuesday in December for districts with a population of less than 500,000. School districts in counties having a population in excess of 700,000 inhabitants but less than 2,000,000 inhabitants, shall file this Certificate of

of which is for the purposes of the Second Interim Order).

3. The County Clerks shall extend such 1991 tax levy for Defendant for such increased amount in the form of *ad valorem* taxes on Defendant's equalized assessed valuation forthwith.

4. Said total levy of \$8,250,000.00 for the Tort Immunity Fund of Defendant shall constitute the amount of taxes to be received by Defendant, and against such sum the Defendant is granted leave to issue Tax Anticipation Warrants in anticipation of collection of the same, pursuant to the provisions of law. *Ill.Rev.Stat.* 1991, ch. 85, par. 9-107.

5. The Section F.4 Principles re: Funding Sources and Obligations submitted by the parties of the Second Interim Order of make appropriate under the standards set forth in *Rufo* any significant modification of the provisions of the Second Interim Order.

EXHIBIT A

ILLINOIS STATE BOARD OF EDUCATION

Department of School Finance

Finance Section

100 North First Street

Springfield, Illinois 62777-0001

CERTIFICATE OF TAX LEVY

Tax Levy with the county clerk on or before the last Tuesday in February of the calendar year following the year for which the levy is made.

DISTRICT NAME

ROCKFORD SCHOOL DISTRICT

AMOUNT OF LEVY

Educational

Operations and Maintenance

Transportation

Working Cash

Municipal Retirement

Social Security

Rent

See explanation on reverse side.

NOTE: Any district proposing to adopt a levy in an amount which is more than 105 percent of its prior year's extension, must comply with the provisions set forth in the Truth in Taxation Act.

We hereby certify that we require

Signed this 14 day of January, 1992.

When any school is authorized to issue bonds, the school board shall file a certified copy of the resolution in the office of the county clerk of each county in which the district is situated to provide for the issuance of the bonds and to levy a tax to pay for them. The county clerk shall extend the tax for bonds and interest, as set forth in the certified copy of the resolution, each year during the life of the bond issue. Therefore, to avoid a possible duplication of tax levies, the school board should not include a levy for bonds and interest in the district's annual taxlevy.

Number of bond issues of said school district that have not been paid in full

Detach and Return to School District

This is to certify that the Certificate of Tax Levy for School District No. _____ County, Illinois, on the equalized assessed value of all taxable property of said school district for the year 19__, was filed in the office of the County Clerk of this County on _____, 19__.

In addition to an extension of taxes authorized by levies made by the Board of Education (Directors), an additional extension(s) will be made, as authorized by resolution(s) on file in this office, to provide funds to retire bonds and pay interest thereon. The total levy, as provided in the original resolution(s), for said purposes for the year 19__, is \$_____.

Date

ISBE 50-02 (6/91)

A copy of this Certificate of Tax Levy shall be filed with each County Clerk of each county in which the school district is located on or before the last Tuesday in December for districts with a population of less than 500,000. School districts in counties having a population in excess of 700,000 inhabitants but less than 2,000,000 inhabitants, shall file this Certificate of Tax Levy with the county clerk on or before the last Tuesday in February of the calendar year following the year for which the levy is made.

-----DISTRICT NAME DISTRICTNUMBER
COUNTY ROCKFORD SCHOOL DISTRICT 205
WINNEBAGO"BO-
ONE-----

----- AMOUNT OF LEVY Educational
\$41,160,900.00 Fire Prevention, Safety, Environmental
and Energy Conservation
-----Operations and \$ 6,134,600.00 Tort
Immunity \$8,250,000.00 Maintenance -----
-----Transportation \$ 1,938,000.00 Special
Education \$ 527,700.00
-----Working Cash \$ "0"
Other
-----Municipal \$ "0" Other
Retirement
-----Social Security \$ 4,269,750.00 Other
-----Rent
..... \$ Total Levy \$59,975,950.00 -----

-----See explanation on reverse side. NOTE:
Any district proposing to adopt a levy in an amount which is more than 105 percent of its prior year's extension, must comply with the provisions set forth in the Truth in Taxation Act. We hereby certify that the sum of 41,160,900.00 dollars to be levied as a special tax for educational purposes, and we require the sum of 6,134,600.00 dollars to be levied as a special tax for operations and maintenance purposes, and the sum of 1,938,000.00 dollars to be levied as a special tax for transportation purposes, and the sum of "0" dollars to be levied as a special tax for a working cash fund, and the sum of "0" dollars to be levied as a special tax for municipal retirement purposes, and the sum of 4,269,750.00 dollars to be levied as a special tax for social security purposes, and the sum of _____ dollars to be levied as a special tax for rental of facilities owned by the State of Illinois as provided by the Capital Development Board, and the sum of _____ dollars to be levied as a special tax for fire prevention,

safety, environmental and energy conservation purposes, and the sum of 8,250,000.00 dollars to be levied as a special tax for tort immunity purposes, and the sum of 527,700.00 dollars to be levied as a special tax for special education purposes, and the sum of _____ dollars to be levied as a special tax for _____, and the sum of _____ dollars to be levied as a special tax for _____, and the sum of _____ dollars to be levied as a special tax for _____ on the taxable property of our school district for the year 19____. Signed this 14 day of January, 1992. _____ President

Clerk
or Secretary of the School Board of Said School District When any school is authorized to issue bonds, the school board shall file a certified copy of the resolution in the office of the county clerk of each county in which the district is situated to provide for the issuance of the bonds and to levy a tax to pay for them. The county clerk shall extend the tax for bonds and interest, as set forth in the certified copy of the resolution, each year during the life of the bond issue. Therefore, to avoid a possible duplication of tax levies, the school board should not include a levy for bonds and interest in the district's annual tax levy. Number of bond issues of said school district that have not been paid in full

----- Detach
and Return to School District This is to certify that the Certificate of Tax Levy for School District No.

County, Illinois, on the equalized assessed value of all taxable property of said school district for the year 19____, was filed in the office of the County Clerk of this County on _____, 19____. In addition to an extension of taxes authorized by levies made by the Board of Education (Directors), an additional extension(s) will be made, as authorized by resolution(s) on file in this office, to provide funds to retire bonds and pay interest thereon. The total levy, as provided in the original resolution(s), for said purposes for the year 19____, is \$_____.

----- Signature of County
Clerk Date _____

County ISBE 50-02 (6/91)

EXPLANATION

***2** The school board of any school district having a population of less than 500,000 inhabitants may levy a tax annually, for educational purposes, upon all the taxable property of the district at the value, as equalized or assessed by the Department of Revenue. Section 17-2, the School Code.

The school board of any school district having a population of less than 500,000 inhabitants may levy a tax annually, for operations and maintenance purposes, upon all the taxable property of the district at the value, as equalized or assessed by the Department of Revenue. Section 17-2, the School Code.

The school board of any school district having a population of less than 500,000 inhabitants may levy a tax annually, for transportation purposes, upon all the taxable property of the district at the value, as equalized or assessed by the Department of Revenue, Section 17-2, the School Code.

The school board of any school district having a population of less than 500,000 inhabitants may levy a tax known as a "Working Cash Fund Tax" upon all the taxable property in the district, annually. Section 20-3, the School Code.

The school board of any school district may levy a tax for municipal retirement purposes in a sum sufficient to provide all the contributions required of the school district by including the amount to be levied for such purposes in the Certificate of Levy for other school taxes, or such district may file with the county clerk a separate certificate or resolution setting forth the amount of tax to be levied for such purpose. Chapter 108 ½, Section 7-171, Illinois Revised Statutes.

The school board of any school district may levy a tax for social security (includes Medicare only) purposes in a sum sufficient to provide all the contributions required of the school district by including the amount to be levied for such purposes in the Certificate of Levy for other taxes, or such district may file with the county clerk a separate certificate or resolution setting forth the amount of tax to be levied for such purpose. Chapter 108 ½, Sections 21-110 and 21-110.1 of the Illinois Revised Statutes.

The school board of any school district which has authorized by referendum a special tax for payment of rental of facilities owned by the State of Illinois, as provided by the Capital Development Board, may include the tax levy for such purpose in the

Certificate of Levy for other school taxes of the district, or it may file a separate Certificate of Tax Levy for the tax so authorized with the county clerk at any time before the end of the calendar year. Section 35-23, the School Code.

The school board of any school district having a population of less than 500,000 inhabitants may levy a tax upon all the taxable property of the district at the value as assessed by the Department of Revenue for the purposes of professional surveys, alterations, and reconstruction for fire prevention, safety, environmental and energy conservation purposes upon certain definite statutory conditions. Section 17-2.11, the School Code.

***3** The school board of any school district may levy a tax upon all the taxable property within the district for tort immunity purposes in a sum sufficient to pay the costs of purchasing such insurance or sufficient to pay any tort judgment, settlement or insurance imposed upon it under the Local Government and Governmental Employees Tort Immunity Act including liabilities under the Workers' Compensation Act, Occupational Diseases Act, or the Unemployment Insurance Act, Chapter 85, Section 9-107, Illinois Revised Statutes, Section 17-2.5, the School Code.

The school board of any school district, with voter approval, may levy a tax upon all the taxable property of the district as equalized or assessed by the Department of Revenue to pay health insurance premiums for school employees. Section 17-2.6, the school code.

The school board of any school district may levy, with voter approval, a tax upon the full, fair cash value as equalized or assessed by the Department of Revenue within the district for a capital improvement fund (which levy is in addition to that for building purposes) and such fund is to be levied, accumulated, and spent only in accordance with Section 17-2.3, the School Code.

The school board of any school district having a population of less than 500,000 inhabitants, by proper resolution, may levy an annual tax upon the full, fair cash value as equalized or assessed by the Department of Revenue for special education purposes including the purposes authorized by Section 10-22.31b and Section 17-2.2a, the School Code.

The school board of any school district having a population of less than 500,000 inhabitants, with voter approval, may levy a tax annually, for summer school purposes, upon all the taxable property of the

district at the value, as equalized or assessed by the Department of Revenue, Section 17–2.1, the School Code.

The school board of any school district having a population of less than 500,000 inhabitants may, by proper resolution, levy an annual tax upon the value as equalized or assessed by the Department of Revenue for a period of not more than 5 years for area vocational education building purposes including the purposes authorized by Section 10–22.31b, the School Code, upon the condition that there are not sufficient funds available in the operations and maintenance fund of the district to pay the cost thereof. Such tax shall not be levied without the prior approval of the State Board of Education and prior approval by a majority of the electors voting upon the proposition at a general or special election. Section 17–2.4, the School Code.

The school board of any school district having a population of less than 500,000 inhabitants may levy an annual tax not to exceed 0.05% upon the taxable property as equalized or assessed by the Department of Revenue for the purposes of leasing educational

facilities from other school districts or from private or parochial schools. Section 17–2.2e, the School Code.

***4** The school board of any school district, upon determining that a surplus of funds is available, shall adopt a resolution or ordinance reducing the tax levy of such district for the year for which the resolution or ordinance is adopted. The district shall certify the action to the county clerk who shall abate the levy in accordance with the provision of the ordinance. Chapter 120, Paragraph 638a, Illinois Revised Statutes.

The Truth in Taxation Act affects all units of local government, school districts, and community colleges, including home rule units, who are authorized to levy property taxes. For the basic requirements of the law, refer to the Illinois Revised Statutes, Chapter 120, paragraphs 861 through 869.1 or “State, Local and Federal Financing for Illinois Public Schools, 1990–1991,” pages 76 and 79.