

## RESOLUTION 18 - 11

**WHEREAS**, pursuant to 55 ILCS 5/3-4004, the Judges of the Circuit Court of the Eleventh Judicial Circuit have determined that it is in the best interest of the people of the county for the Office of Ford County Public Defender to be a Full-time position; and

**WHEREAS**, pursuant to 55 ILCS 5/3-4007, the Public Defender shall be paid out of the County Board General Fund a salary in the amount fixed by the County Board; and

**WHEREAS**, 55 ILCS 5/3-4007 further provides that 66 2/3% of the Public Defender's annual salary shall be paid from the State Treasury if the Public Defender is employed full-time in that capacity, and his or her salary is at least 90% of the County's State's Attorney's annual compensation; and

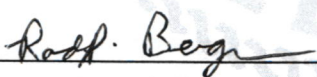
**WHEREAS**, the Ford County Board had previously established the salary of the Public Defender to be \$44,500.00 for FY 2018 in Resolution 17-78, and that Resolution must be rescinded to establish the salary of the Public Defender should be a full-time position; and,


**NOW, THEREFORE, BE IT RESOLVED**, by the County Board of Ford County, Illinois, the County Board concurs with the decision of the Judges of the Eleventh Judicial Circuit that the Ford County Public Defender should be a Full-time position; and,

**BE IT FURTHER RESOLVED**, by the County Board of Ford County, Illinois, that the salary for the Public Defender of Ford County shall be defined as 90% of the salary for the State's Attorney of Ford County; and,

**BE IT FURTHER RESOLVED**, by the County Board of Ford County, Illinois, that this Resolution supersedes and rescinds Resolution 17-78 regarding the salary of the Ford County Public Defender.

Dated: January 8, 2017

Signed:   
County Board Chairman

Attest:   
Amy Frederick  
Ford County Clerk & Recorder

(55 ILCS 5/3-4004) (from Ch. 34, par. 3-4004)

Sec. 3-4004. Appointment of Public Defender in counties under 1,000,000. As soon as may be after this Division becomes applicable to a county with a population under 1,000,000, the judges of the Circuit Court of the circuit in which the county is located shall, by a majority vote of the entire number of those judges, appoint to the office of Public Defender a properly qualified person, who shall hold office, his death or resignation not intervening, at the pleasure of the judges competent to appoint. Whenever a vacancy occurs in the office it shall be filled in the same manner, and the person appointed to fill the vacancy shall have the same tenure of office.

(Source: P.A. 86-962; 87-111.)

(55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

Sec. 3-4007. Compensation.

(a) The public defender shall be paid out of the county treasury, and, subject to appropriation, shall be paid by the Department of Revenue out of the Personal Property Tax Replacement Fund or the General Revenue Fund as provided in subsection (b), as the sole compensation for his or her services a salary in an amount fixed by the County Board. When a Public Defender in a county of 30,000 or more population is receiving not less than 90% of the compensation of the State's Attorney of such county, that Public Defender shall not engage in the private practice of law.

(b) The State must pay  $66 \frac{2}{3}\%$  of the public defender's annual salary. If the public defender is employed full-time in that capacity, his or her salary must be at least 90% of that county's State's attorney's annual compensation. Subject to appropriation, these amounts furnished by the State shall be payable monthly by the Department of Revenue out of the Personal Property Tax Replacement Fund or the General Revenue Fund to the county in which each Public Defender is employed.

(c) In cases where 2 or more adjoining counties have joined to form a common office of Public Defender, the salary of the Public Defender shall be set and paid as provided by a joint resolution of the various county boards involved.

(Source: P.A. 97-72, eff. 7-1-11.)