

Little Rock Township Special Meeting May 5, 2026

RESOLUTION NO. 2026-05-05

A RESOLUTION AND LOCAL INITIATIVE ASSERTING THE SOVEREIGNTY AND AUTONOMY OF LITTLE ROCK TOWNSHIP AND ENACTING LOCAL LAW TO REGULATE DATA CENTERS WITHIN LITTLE ROCK TOWNSHIP TO BE PRESENTED TO THE PEOPLE VIA ELECTION

The good People of Little Rock Township, Illinois, lawfully and peaceably assembled, in exercise of their sovereign powers under Article I, Section 1 of the Illinois Constitution of 1970, the republican form of government (*Black's Law 4th Ed Pg 824*) guaranteed by Article IV, Section 4 of the United States Constitution, the powers reserved by the Ninth and Tenth Amendments to the United States Constitution, and the Laws of Nature and of Nature's God, hereby reaffirm their authority to govern their township affairs by regulating commerce to protect their community's healthful environment, private property rights, character, and determine public good, by initiative (INITIATIVE. *Black's Law 4th Ed Pg 923*).

WHEREAS, on June 26, 2025, the People of Little Rock Township duly adopted Resolution No. 2025-06-26, titled "A RESOLUTION ASSERTING THE SOVEREIGNTY OF THE PEOPLE, TOWNSHIP AUTONOMY, AND ENACTING AN ORDINANCE TO PROHIBIT COMMERCIAL WIND AND SOLAR ENERGY FACILITIES ON PUBLIC AND COMMERCIAL PROPERTY WITHIN LITTLE ROCK TOWNSHIP," which comprehensively establishes the foundational authority, rights, and powers of the Township and its People; and

WHEREAS, the authorities, findings, declarations, and lawful principles and maxims (MAXIM. *Black's Law 3rd Ed Pg 1171*) solemnly affirmed in Resolution No. 2025-06-26 remain in full force and effect and provide a complete and sufficient constitutional and lawful foundation for the People of Little Rock Township to exercise their power on all matters of local public good, and the People hereby incorporate Resolution No. 2025-06-26 by reference as though fully set forth herein; and

WHEREAS, the People of Little Rock Township are at liberty, enjoying every power, jurisdiction, and right, pertaining thereto, and are free to publicly assemble, in a lawful and peaceable manner, to deliver their collective opinion (*Illinois 1970 Constitution Art. I Sec. 5 and "opinion" point 3 in Webster's 1828 Dictionary*) that is the settled judgement of the People; and

WHEREAS, it is fundamental in American Law that all political power is inherent in the People. The People's rights derive by the decree of Almighty God, the same Almighty God in our state constitution's preamble, and all free government derives its authority from the People, as inherent lawgivers, and the maxim "The people is the greatest master of error" (*Black's Law 4th Ed Pg 1131*); and

WHEREAS, among these rights are enjoyment of life, liberty, the pursuit of happiness, possessing and protecting property. The People have a right to require of their public servants, an exact and constant observance of the fundamental principles of the constitutions. These rights cannot endure unless the People recognize their corresponding obligations and responsibilities to recur to these fundamental principles that compel our public servants to be, at all times, amenable (AMENABLE. *Black's Law 4th Ed Pg 106*) to the People (*Illinois 1970 Constitution Art. I Sec 23*); and

WHEREAS, Justice Gorsuch of the United States Supreme Court reminds the people that the Court has no authority to depart from what the Constitution or laws of the United States ordain and says "Instead, the Constitution promises, the American people are sovereign and they alone may, through democratically responsive processes, amend our foundational charter or revise federal legislation." (*Loper Bright Enterprises v. Raimondo, June 28, 2024*), the same being true about our state government; and

WHEREAS, the purpose, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying safety and tranquility, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to take measures necessary for their safety, prosperity and happiness; and

WHEREAS, it is a fundamental principle and maxim of law that the derivative power cannot be greater than the original from which it is derived (*Black's Law 4th Ed Pg 530*); and

WHEREAS, the township was created by the People using their guaranteed constitutional rights. These rights are not subject to legislative interference (CONSTITUTIONAL RIGHT. *Black's Law 4th Ed Pg 385*) absent a constitutional grant of power; and

WHEREAS, the prominent writing of Alexis de' Tocqueville states "The town[ship] is the only association that is so much a part of nature that whenever men gathered together, a town takes shape by itself. Town[ship] society exist therefore among all peoples no matter what their customs and their laws; it is man who establishes kingdoms and creates republics; the town[ship] seems to come directly from the hands of God." (*Democracy in America, Chapter 4, Pg 101*); and

WHEREAS, John Locke, the English philosopher, who's writings were highly influential on the creation of this nations constitutions and the Declaration of Independence, wrote that governments dissolve when the legislative acts contrary to their trust and "For the legislative acts against the trust reposed in them endeavour to invade the property of the subject, and to make themselves, or any part of the community, masters or arbitrary disposers of lives, liberties, or fortunes of the people". (*Two Treatise of Government Chap XIX, Sec 221*); and

WHEREAS, government has been granted specific power in specified forms and is not permitted to make any adjustment upon what the People have granted or reserved and the constitutions are the written instrument agreed upon by the People, as the absolute rule of action and decision for all departments and officers of the government (*Black's Law 4th Ed Pg 1421 and CONSTITUTION. Pg 385*); and

WHEREAS, government has, over a long period of time, repeatedly exceeded their jurisdiction by legislating and enforcing legislation that is directly prohibited in the Illinois Constitutions and contrary to, or in error of, the fundamental principles of law, this is maladministration leading to breach of trust; and

WHEREAS, Illinois government is expressly prohibited from making special privileges or immunities without constitutional grants of power, in recent history for commercial data centers (Illinois 1970 Constitution Art. I Sec 16; Art IV Sec 13 and Illinois 1870 Constitution Art IV Sec 22); and

WHEREAS, the People of Illinois continued the township and county under township form in the 1970 Illinois Constitution from the 1870 Illinois Constitution (Illinois 1970 Constitution Transition Schedule Preamble, Sec 5 and 9); and

WHEREAS, there is no expressed abolition of the Illinois 1870 Constitution, or the expressed prohibitions upon the General Assembly (Illinois 1870 Constitution Article IV Sec 22) in the Illinois 1970 Constitution, and it is a fundamental principle that implied repeals are not favored in law, rendering legislation of constitutionally prohibited things notwithstanding; and

WHEREAS, the doctrine of nonresistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind, compelling the People by necessity; and

WHEREAS, commercial data centers proposed on public property or on property used for commercial purposes within Little Rock Township endangering the township's health, safety, morals, comfort, general welfare, values of property throughout the township, domestic tranquility, common benefit, and the overall happiness and security for the People and their posterity; and

WHEREAS, the People of Little Rock Township have determined that the existing statutory application, review, and public hearing processes before county or municipal bodies, are inadequate to protect the rights and property of the People, as final approval currently rests with governmental servants and boards rather than with the collective will of the People; and

WHEREAS, it is the People's opinion and settled judgement that the township and the People thereof, are the source of power within the township. The State of Illinois only has jurisdiction pursuant to constitutional grants of power and is expressly prohibited from regulating township affairs or general laws inconsistent with the purpose of government. All municipalities, units of local government, or other government entities are subject to the People's will within the boundaries of the township; and

WHEREAS, the People of Little Rock Township, in exercise of their inherent rights and power of initiative, by right, may duly assemble to regulate commerce and land use on public and commercial property within our community. We declare that after completion of all existing statutory processes that are pursuant to constitutional constraints and public hearings, any proposal for a commercial data center shall be subjected to final approval or denial by the People through a special election, ensuring that no such facility shall be permitted without the express consent of a majority of the total electors of the township to make the final determination of it serves the public good; and

WHEREAS, the People have reserved the right to require full transparency of all application documents, studies, contracts, agreements, all correspondence, non-disclosure agreements, and related materials for public review prior to any election, without any redactions; and

NOW, THEREFORE, BE IT RESOLVED by the People of Little Rock Township, Kendall County, Illinois, at a lawful meeting held on this 5th day of May, 2026, relying upon the authority established in fundamental and organic law at the formation of the township in 1849, upon the prohibitions against the General Assembly expressed in the Illinois Constitution of 1870 Article IV Section 22 and continued through the Transition Schedule of the Illinois Constitution of 1970, Article IV, Section 13 thereof and the absence of an expressed abolition for the Illinois Constitution of 1870, as affirmed in Resolution No. 2025-06-26 and incorporated herein by reference, as follows:

Affirmation of Township Formation and Authority: Little Rock Township, formed by the People in 1849, placed Kendall County under township authority, establishing a county under township form of government with a board of [township] supervisors, and remains the law of the township and county, as enacted by the People's will, with all prior affirmations of sovereignty, independence, prohibitions for the General Assembly and the right to a healthful environment, domestic tranquility, and protection of property and environment are hereby reaffirmed and incorporated. Legislative enactments which do not comport with the constitutions and the grants or prohibitions they contain, notwithstanding. Therefore, the following local law, by initiative and necessity, is presented to the People of Little Rock Township for their consideration and enactment.

LITTLE ROCK TOWNSHIP ORDINANCE NO. 2026-05-05

A LOCAL LAW REGULATING PUBLIC PROPERTY AND REQUIRING SPECIAL ELECTION APPROVAL FOR COMMERCIAL DATA CENTERS ON PUBLIC AND COMMERCIAL PROPERTY WITHIN LITTLE ROCK TOWNSHIP TO PROTECT THE PRIVATE PROPERTY AND RIGHTS OF THE PEOPLE USING THEIR POWER OF INITIATIVE

Section 1. Regulation of Public Property: Public property within Little Rock Township may be regulated by the People, or through their elected officials, pursuant to the free and independent authority expressed in Article I, Section 1 of the Illinois Constitution of 1970 and the township's formation in 1849. The People of the township acknowledge the limitations of power, for this local law, are the boundaries of the township, as a self-governing political subdivision of the state, and their power for this enactment is limited to the governmental subjects of public property, property used for commercial purposes, and statutory creations (Illinois 1970 Constitution Art. II Sect 2; STATE. *n Black's Law 4th Ed Pg 1578*; Art. VII Sect 1;). This power does not extend to private property or rights, which are excepted out of the general powers of government, expressed in the "Bill of Rights" (Illinois Constitution Art I), and shall forever remain inviolate, and all laws and rulemaking contrary thereto, or to the following provisions, shall be void.

Section 2. Requirement for Special Election Approval: No commercial data center shall be permitted, constructed, or operated on public property or on property used for commercial purposes within the boundaries of Little Rock Township, including other Units of Local Government and Municipalities unless and until the applicant has fully completed all applicable statutory processes required by state and local law, and the proposal has thereafter received approval by initiative in a special election of the People within Little Rock Township as provided herein. For purposes of this local law, "commercial data center" means any facility primarily used for the storage, processing, or transmission of electronic data on a commercial or industrial scale, including but not limited to associated infrastructure, as defined by law.

Section 3. Exclusion for Private Property: Government has been granted no power to regulate private property. Therefore, this local law shall not apply to the use of property intended solely for private, non-commercial use, provided such installations do not infringe on the rights of their neighbors in Little Rock Township following the course of common law. This local law shall not be used by any government entity as a basis for asserting constructive jurisdiction over the private property of the People, equity follows the law. All other governmental entities within Little Rock Township are expressly subject to this local law, unless they can show constitutional grants of power to the contrary, when proposing or hosting commercial data centers on public or commercial property.

Section 4. Transparency and Public Review Period: Upon culmination of the statutory process that is pursuant to the constitutions and all required public hearings, the Township Clerk shall cause to be posted on the township website a direct link or page hosting all finalized application documents, cited studies, contracts, agreements, correspondence between the applicant and any government bodies, officials and attorney's, non-disclosure agreements, and any other documentation used during the application process. Such documents are public property, shall be finalized and not subject to any changes whatsoever and shall not be redacted in any manner. The complete set of documents shall remain publicly available and posted for a minimum of sixty

(60) days immediately prior to the date of the special election to allow the People of the Township full disclosure and opportunity for review to assess the public good and common benefit.

Section 5. Special Election Procedures: The Township Clerk shall have charge of and be responsible for conducting the special election and may work in coordination with the Kendall County Clerk in accordance with the law. The election shall be held on a single Tuesday and shall be noticed, posted, and conducted only pursuant to those election laws of the State of Illinois that are in full conformity with the constitutions and the fundamental principles of law. The election shall be secure, with all ballots cast in person. Electors shall be verified using government-issued identification confirming their residence within the boundaries of Little Rock Township, in accordance with law, prior to receiving a ballot at a polling location. No mail-in ballots shall be used. Absentee ballots consistent with the history and tradition of elections may be utilized. Upon the closure of the polls, the election judges shall maintain a chain of custody and shall cause the sealed ballot boxes to be transported to a centralized public place of the Township Clerk's choosing. The counting of ballots shall be open to the public, performed by the election judges, and conducted under the oversight of the Township Clerk. The election judges shall swear by affidavit to the accuracy of the ballot count and the total results. The Township Clerk shall certify and publish an abstract of the returns of the election and shall record the abstract at length upon the records of the county with the County Clerk. Existing legislative enactments that do not comport with the constitutions notwithstanding.

The ballot question shall be clearly worded as follows: "The People have the inherent right to regulate commerce, public property, and property used for commercial purposes within their community to promote their happiness and maintain domestic tranquility by ensuring that this commercial use and activity serves the public good and benefits the community. Should the People of Little Rock Township extend the privilege of allowing the property at (insert address or property description here) to be used for a commercial data center?" and the votes shall be recorded as "Yes" or "No". If there are multiple applicants, each applicant shall be listed as a separate ballot question.

Section 6. Applicant Responsibility for Special Election Costs: The applicant shall pay the Township for the actual and necessary costs of conducting the special election, including but not limited to the cost of printing and distributing ballots to polling locations and other printed material, compensation paid to judges of election, extra office expenses of the election authority, and all other associated costs. The Township Clerk shall be charged with calculating the cost of the special election. Payment shall be made in full prior to the scheduling of the election. If there are multiple applicants, the cost of the special election may be shared between applicants equally. If a General Election is held in conformity to the constitutions as expressed in Section 5 of this local law, then applicant(s) may choose to wait for the next General Election, thereby waiving the provisions for payment in this section.

Section 7. Special Election Results: Approval of any commercial data center shall require a vote in favor of greater than fifty percent (50%) of the total number of registered electors within Little Rock Township. Failure of any registered elector to vote shall be counted as a vote against ("No") the initiative, consistent with the historical customs and authority of the People of the Township to decide matters of local concern by direct vote. Upon conclusion of the election, the decision rendered by the People shall be binding and final upon every government entity, officer, and agent, with no discretion to alter, disregard or evade the collective will of the People once expressed on the ballot using their inherent and collective sovereignty; for when the People have spoken, their voice is the supreme and unalterable law unless or until they decide to alter or repeal it in the manner which it was created. The special election and initiative shall not be construed as an "advisory referenda."

Section 8. Purpose: This local law is enacted to protect the township's health, safety, morals, general welfare, values of property throughout the township, domestic tranquility, common benefit, and the overall happiness and security for the People and their posterity in Little Rock Township, as expressed in the Preamble and mandated by Article XI, Section 1 of the 1970 Illinois Constitution. The intent is to protect private property rights of the People expressed in Article I, Sections 1, 2, 15, and 24 of the 1970 Constitution, and to guard against the pernicious influence of private interest upon public measures, whereby those in whom the People have reposed their sacred trust may be tempted to sacrifice the public good for private emolument or offer special privileges or immunity in permitting commercial data centers, contrary to the fundamental principle that governments are instituted among men solely for the welfare of the People, by ensuring that the People themselves render the final decision, after full disclosure, on whether commercial data centers on public and commercial property are for the general public good and benefit the whole community.

Section 9. Enforcement: This local law has been created by the People of Little Rock Township, in their sovereign status. If any legislation or rulemaking are in place that interfere with this constitutional right to

make local law, government servants and trustees shall consider this local law as supreme, in accordance with the fundamental principle of American Law, that the People have all political power. This local law is not intended to be utilized to trespass the rights of any of the People and shall be used only to regulate statutory entities or properties used for commercial data centers. The Little Rock Township Board and constitutional county officers are instructed to enforce this local law through all available lawful and legal means. Government servants and entities shall understand that the People of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto (IL 1970 Constitution Article 1, Section 24).

Section 10. Severability and Alteration: If any provision of this local law is found invalid, pursuant to the fundamental principles of law and the American constitutions, the remaining provisions shall remain in full force and effect. This local law shall only be repealed, altered, or amended by the People of Little Rock Township duly assembled.

Section 11. Effective Date: This local law shall take effect immediately, by necessity, upon its adoption. Any commercial data center applicants that have not received final approval are subject to this local law.

BE IT RESOLVED that the Little Rock Township Clerk shall publish this Resolution and Ordinance on the township website, with distribution to local media (digital and printed) in conformity with the law, and immediately provide written notice to the Illinois General Assembly, Illinois State Governor, and to each government entity that regulates public and commercial uses for property within the townships boundaries. The People may receive copies upon request to the Township Clerk, without fee, pursuant to the fundamental philosophy of American constitutional government.

BE IT FURTHER RESOLVED that any government entity or person attempting to enforce law within Little Rock Township, without showing clear constitutional grants of power shall be met with the due process of law to defend the Township's constitutional autonomy and the protection of its People's rights, property and posterity. All power residing originally in, and being derived from, the People; all the magistrates and officers of government are their servants and trustees, and at all times amenable to them. If any legal action arises, all government persons and agents shall take notice they are bound with trust reposed in them by the People and for the People, as beneficiaries; and the People's rights are self-executing causes of action. Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore whenever the ends of government are perverted, and public liberty manifestly endangered, and other means of redress are ineffectual, the People may, and of right, utilize their power of initiative to safeguard their community and posterity, needing no permission to take action to collectively defend against danger or the potential of danger. The enactment of this local law and any subsequent special elections is the established law of the township, supported by the maxim "What the people have last enacted, let that be the established law. A law of the Twelve Tables, the principle of which is still recognized. *1 Bl. Comm. 89.*"
(Black's Law 4th Ed Pg 1420)

Be it enacted, by the good People of Little Rock Township in exercise of their original powers, this resolution and local law, by initiative, is passed/~~rejected~~ (circle one) by the People, in their collective sovereignty being duly assembled at the Little Rock Township Meeting, Kendall County, Illinois, with a vote of Yay 54 and Nay 0.

Printed Name of Moderator: JOSEPH McELroy Signature of Moderator: [Signature] 5/5/2026
Printed Name of Township Clerk: Lucy Lechsteiner Signature of Township Clerk: [Signature]
5/5/2026