

OVERVIEW OF TOWNSHIP GOVERNMENT: A DEEP DIVE INTO DUTIES & RESPONSIBILITIES



TOWNSHIP OFFICIALS OF ILLINOIS 2019 ANNUAL CONFERENCE

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*Concentrating in Township Law &
Assisting Townships Throughout the State of Illinois*

Board Practices & Procedures ◇ Labor & Employment Issues ◇ Freedom of Information Act ◇ Open Meetings Act ◇ Records Retention ◇ Real Estate & Property Issues ◇ Construction of Township Buildings ◇ Litigation ◇ Elections & Objections ◇ Budget & Tax Levy Issues ◇ Cemetery Issues ◇ Road District Issues

Jeffrey R. Jurgens

Jeffrey R. Jurgens is currently a partner with Sorling Northrup after first joining the firm in 2000. In 2006, he began working with the Chicago-based law firm of Ancel, Glink, Diamond, Bush, DiCianni and Krafthefer, P.C., wherein he concentrated in working with units of local government. In 2011, he returned to Sorling as a partner to continue his practice in local government law.

He received his undergraduate degree in Political Science from Illinois State University and his juris doctor degree from the American University Washington College of Law. While attending law school, Mr. Jurgens worked in the White House Counsel's Office and with numerous other federal agencies. Prior to attending law school, Mr. Jurgens interned on former Governor Jim Edgar's policy staff and worked in the Illinois General Assembly for legislators in both the State House of Representatives and the State Senate. This legislative background often provides an added benefit to his diverse client base.

Mr. Jurgens has spent a large part of his legal career representing units of local government, including townships, municipalities, and park districts. He advises these bodies on issues that arise on a daily basis, including matters involving board practices and procedures, real estate, zoning and statutory compliance. He is also well versed in matters involving the Freedom of Information Act and the Open Meetings Act and has taught numerous seminars and authored several publications on those laws.

In addition to working with units of local government, Mr. Jurgens concentrates his practice in election law, general litigation, and administrative review law. He has been admitted to practice law before the Seventh Circuit Court of Appeals, the Northern District of Illinois, the Central District of Illinois, and the Supreme Court of the State of Illinois. Mr. Jurgens is a member of the Illinois State Bar Association and was named by Super Lawyers Magazine as an Illinois Rising Star in 2010 and a Leading Lawyer in 2018. Mr. Jurgens also received the Township Officials of Illinois President's Award in 2014.

Education: Illinois State University (BS, 1997)
American University Washington College of Law (JD, 2000)


Bar Admissions: Illinois
United States District Court for the Central District of Illinois
United States Seventh Circuit Court of Appeals

Practice Areas: Local Government Law
Administrative Law & Litigation
Elections, Political & Campaign Law



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TOWNSHIP GOVERNMENT



TOWNSHIP FUNCTIONS

- Statutory Duties
 - General Assistance
 - Assessment of Real Property
 - Maintain Roads
- Community Link
 - Senior Citizen Programs
 - Youth Programs
 - Transportation Programs
 - Assistance to the Disabled
 - Parks and Recreation
 - Health Services
 - Cemeteries




TOWNSHIP FUNCTIONS

EVALUATE THE NEEDS OF YOUR TOWNSHIP




TOWNSHIP FUNCTIONS

Food Pantries – Transportation Programs – Abating Nuisances – Abandoned Vehicles – Disaster Relief – Mental Health Services – Alcohol & Drug Rehabilitation Programs – Police & Fire Contracts – Recycling Programs – Senior Services – Recreation Activities – Youth Programs




TOWNSHIP FUNCTIONS SUPERVISOR

<p>Township Supervisor</p> <ul style="list-style-type: none">• CEO of the Township• Member of and Chairman of the Township Board• Supervisor of General Assistance• Road District Treasurer <p><u>Specific Authority:</u></p> <ul style="list-style-type: none">• Hire general assistance employees• Appoint attorney (with advice and consent of Township Board)	<p><u>Duties</u></p> <ul style="list-style-type: none">• Receive and pay out monies in the townships for defraying township charges• Keep accounts and receipts• Prepare and file annual financial report and treasurer's report
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TOWNSHIP FUNCTIONS TOWNSHIP BOARD


<p><u>General Purpose</u></p> <p><i>The board of township trustees implements and carries out orders prescribed for it by the electors assembled at a township meeting as well as other specific statutory functions.</i></p>	<p><u>Statutory Duties</u></p> <ul style="list-style-type: none">• Approve bills• Adopt rules to govern meetings• Hire township employees• Declare vacancies• Approve insurance contracts• Approve budget• Approve tax levy
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TOWNSHIP FUNCTIONS TOWNSHIP CLERK


Clerk's Duties

- Clerk of the Township Board
- Only votes in case of tie to fill a vacancy
- Can appoint a deputy if approved by the Township Board
- Ex-officio clerk of the Road District
- Custodian of the records



TOWNSHIP FUNCTIONS HIGHWAY COMMISSIONER / ASSESSOR

<p><u>Road District</u></p> <ul style="list-style-type: none">• Submit all warrants, bills and orders for payments to township board• Purchase or lease construction and maintenance equipment• Set personnel policies (required if 5 or more employees)• Submit budget (subject to township board approval)• Set tax levy (township board must approve)• Not a member of the township board	<p><u>Assessor</u></p> <ul style="list-style-type: none">• Assess property• May appoint employees and set employment policies (required if 5 or more)• Submit budget (subject to township board approval)• Not a member of the township board
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TOWNSHIP FUNCTIONS ELECTORS

Electors

- Power to take all necessary measures and give direction to the township board for the exercise of the township's corporate powers.

Article 30 Powers

- Sale, conveyance, regulation and use of property
- Police & Fire
- Authorize IMRF Application
- Advisory referenda questions
- Trees, fences & animals



TOWNSHIP FUNCTIONS ELECTORS



TOWNSHIP OPERATIONS: SEPARATE BUT ONE



TOWNSHIP OPERATIONS: SEPARATE BUT ONE

KEYS TO SUCCESS

- Understanding Your Role
- Interaction Between Township Officials
- Working Together
- Common Goals & Objectives



TOWNSHIP OPERATIONS: SEPARATE BUT ONE



TOWNSHIP OPERATIONS: SEPARATE BUT ONE

KEYS TO FAILURE

- Power Struggles
- Public Attacks
- Personal Attacks
- Smearing other officials in the press
- Forgetting the Electors
- Not following the law



COMMON ISSUES: PROPERTY

Buying, selling, regulating, use
of township property...



COMMON ISSUES: REAL PROPERTY

- Electors Control
- Specific Statutory Procedures (Section 30-50)
 - Sale or Lease of Real Property
 - Electors adopt a resolution
 - Intent to sell
 - Size, use and zoning of property
 - Conduct of sale
 - Appraisal (on file)
 - Publish resolution
 - Bids opened by clerk
 - Accept high bid as long as at least 80% of the appraised value




COMMON ISSUES: PERSONAL PROPERTY

Personal Property



COMMON ISSUES: PERSONAL PROPERTY

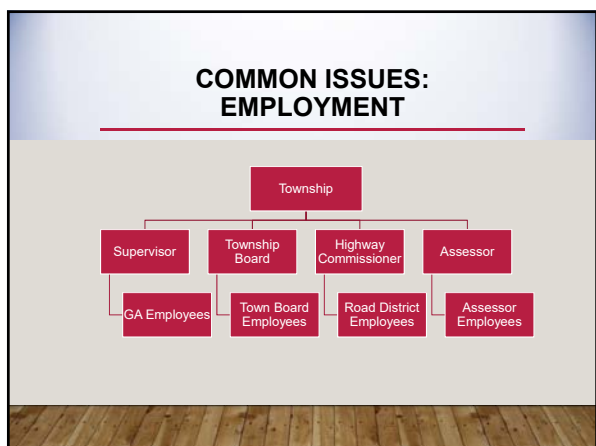
- **Township Code:** Anytime during the year, the township or township road district may lease or sell personal property by a vote of the township board or request of the township highway commissioner.
- **Options**
 - Bidding
 - Accept the high bid or any other bid in the best interests of the township.
 - Public Auction (licensed auctioneer)
 - Internet Auction
- **Personal Property Sale Notice**
 - Published in newspaper
 - Posted
 - Information on bidding (if applicable)
- **Exceptions**
 - Trade-in of equipment
 - Declare surplus and sold to another governmental body



COMMON ISSUES: EMPLOYMENT


- **Employment Issues**
 - Who hires who?
 - Who controls who?
- **Personnel Manuals**





**COMMON ISSUES:
PUBLIC RECORDS**

**WHAT DO WE DO WITH ALL OF
THESE DOCUMENTS??**



**COMMON ISSUES:
PUBLIC RECORDS**

- Local Records Retention Act
 - Must obtain approval for destruction of public records
 - Class 4 Felony to destroy public records without authorization



**COMMON ISSUES:
COMPLYING WITH FOIA & OMA**




COMMON ISSUES: COMPLYING WITH FOIA & OMA

OMA: Quick Tips

- Two trustees can discuss township business, but more than two = **MEETING**
- 48 hours continuous notice for posting agenda
- Be descriptive on your agenda
- Don't forget semi-annual review of closed session meeting minutes

FOIA: Quick Tips

- E-mails subject to FOIA
- Respond within 5 days
- Don't forget to include appeal language
- Keep copies




COMMON ISSUES: COMPLYING WITH FOIA & OMA

TRAINING REQUIREMENTS



COMMON ISSUES: COMPLYING WITH FOIA & OMA

Public Comment




**COMMON ISSUES:
COMPLYING WITH FOIA & OMA**



**COMMON ISSUES:
VACANCIES IN OFFICE**

- What Creates a Vacancy?
 - Resign
 - Move out of Township
- How are vacancies filled?
 - Filled by Township Board (within 60 days)
 - If not filled within 60 days, electors fill at special town meeting
 - Must be same political party



**COMMON ISSUES:
POLICIES**

GOT POLICIES?



QUESTIONS

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