

**PUBLIC HEARING  
DOWNERS GROVE TOWNSHIP ROAD DISTRICT  
4340 PRICE ST, DOWNERS GROVE, IL 60515  
February 25, 2021**

The Public Hearing on Highway Budget (Road District) was called to order at 7:05 PM at the Township boardroom, 4340 Prince St., Downers Grove, IL by Supervisor Thoman.

1. Call to Order:

Supervisor Thoman called the meeting to order at 7:05 PM.

Supervisor Thoman noted the requirements of tonight's meeting, that he was physically present at the normal meeting location as required, that he would make all the Motions as allowed by Township statute, and that all votes would be Roll Call votes.

2. Roll Call and Establishment of Quorum:

Clerk Grimsby called the roll. Present via Zoom were Trustee Karen Kelly, Trustee Dave Van Der Laan and Supervisor Mark Thoman. Trustee Abby Ferguson – joined the Public Hearing at 7:06 PM. Clerk Lorraine Grimsby and Trustee Art Donner were also present in person.

Elected and Appointed Officials present: Clerk Lorraine Grimsby, Assessor Greg Boltz and Trustee Art Donner. Via Zoom: Attorney Allan Along and Highway Commissioner Andy Anderson.

Staff and other present: 1 staff member. Others present via Zoom: Mr. Coultrap, Ms. Winingham, Ms. Stoll, Ms. Vazquez, Mr. Ockrim, Mr. Kirschbaum, Ms. Sole, Mr. Ricordati, and Ms. Lemanski.

3. Motion to Conduct the Township Highway Budget Appropriation Ordinance Public Hearing Electronically.

A motion was made by Supervisor Thoman to Conduct the Township Highway Budget Appropriation Ordinance Public Hearing electronically. Trustee Donner seconded the motion.

Roll Call vote: Trustee Kelly – aye, Trustee Donner – aye, Trustee Van Der Laan - aye, Supervisor Thoman – aye. Ayes – 4; Nays – 0; Absent – 1.

4. Motion to Waive the Clerk Reading of the Public Notice. (Roll Call vote)

Supervisor Thoman made a Motion to Waive the Clerk Reading of the Public Notice as it had been published in the Downers Grove Suburban Life newspaper, posted in the hallway, and on the Township website. Trustee Donner seconded the motion.

Roll Call vote: Trustee Kelly – aye, Trustee Donner – aye, Trustee Van Der Laan - aye, Supervisor Thoman – aye. Ayes – 4; Nays – 0; Absent – 1.

5. Presentation by Highway Commissioner.

Highway Commissioner Anderson reminded the Board of Trustees that 46% of the budget levy goes back to the 9 municipalities in the township.

6. Public Discussion.

**Please refer to video which is posted on Township website. Because each person in attendance was provided the opportunity to speak, it was a lengthy discussion.**

7. Trustee Discussion.

No Trustee questions or comments.

Supervisor Thoman stated that he hoped the Highway Department road projects come to fruition this year. Supervisor Thoman also clarified that truck purchases could extend over 2 fiscal years to save money.

8. Motion to Adopt the Township Road District Budget and Appropriation Ordinance Number 2021 for Fiscal Year March 1, 2021 to February 28, 2022. (Roll call vote)

Supervisor Thoman made a Motion to Adopt the Township Road District Budget and Appropriation Ordinance Number 2021 for Fiscal Year March 1, 2021 to February 28, 2022. The motion was seconded by Trustee Donner.

Roll Call Vote: Trustee Donner-aye; Trustee-Kelly-aye; Trustee Ferguson - aye, Trustee Van Der Laan-aye - aye; Supervisor Thoman-aye. Motion carried (5-0).

With no further business to come before the Board, Supervisor Thoman closed the Public Hearing. Meeting adjourned at 7: 19 PM.

Respectfully Submitted:

Lorraine Grimsby, Clerk

**PUBLIC HEARING  
DOWNERS GROVE TOWNSHIP BUDGET  
4340 PRICE ST, DOWNERS GROVE, IL 60515  
February 25, 2021**

The Public Hearing on Downers Grove Township Budget was called to order at 7:21 PM at the Township boardroom, 4340 Prince St., Downers Grove, IL by Supervisor Thoman

1. Call to Order:

Supervisor Thoman called the meeting to order at 7:21 PM.

Supervisor Thoman noted the requirements of tonight's meeting, that he was physically present at the normal meeting location as required, that he would make all the Motions as allowed by Township statute, and that all votes would be Roll Call votes.

2. Roll Call and Establishment of Quorum:

Clerk Grimsby called the roll. Present via Zoom were Trustee Karen Kelly, Trustee Dave Van Der Laan and Trustee Abby Ferguson.

Elected and Appointed Officials present in person: Clerk Lorraine Grimsby, Assessor Greg Boltz and Trustee Art Donner. Via Zoom: Attorney Allan Along and Highway Commissioner Andy Anderson.

Staff and other present: 1 staff member. Others present via Zoom: Mr. Coultrap, Ms. Winingham, Ms. Stoll, Ms. Vazquez, Mr. Ockrim, Mr. Kirschbaum, Ms. Sole, Mr. Ricordati, and Ms. Lemanski.

3. Motion to Conduct the Township General Fund, IMRF, and General Assistance Budget Appropriation Ordinance Public Hearing Electronically.

A motion was made by Supervisor Thoman to Conduct the Township General Fund, IMRF, and General Assistance Budget Appropriation Ordinance Public Hearing electronically. Trustee Donner seconded the motion.

Roll Call vote: Trustee Kelly – aye, Trustee Donner – aye, Trustee Ferguson - aye, Trustee Van Der Laan - aye, Supervisor Thoman – aye. Ayes – 5; Nays – 0.

4. Motion to Waive the Clerk Reading of the Public Notice. (Roll Call vote)

Supervisor Thoman made a Motion to Waive the Clerk Reading of the Public Notice as it had been published in the Downers Grove Suburban Life newspaper, posted in the hallway, and on the Township website. Trustee Donner seconded the motion.

Roll Call vote: Trustee Kelly – aye, Trustee Donner – aye, Trustee Ferguson - aye, Trustee Van Der Laan - aye, and Supervisor Thoman – aye. Ayes – 5; Nays – 0.

5. General Fund Presentation by Supervisor.

Supervisor Thoman stated that he would also include Assessor Boltz to make a budget presentation.

Assessor presentation on Budget:

Assessor Boltz stated that the Assessors' budget that was provided according to State Statute for \$1,246, 629.61 represented a 6.8% reduction from last year's budget. The Supervisor reduced the budget another 18% without any communication or notice. I have consulted with my outside counsel and they agree with the Township Attorney that the procedures followed by the Supervisor, unilaterally reducing my budget without any Public discussion and not consistent with the Statutes and violates the Open Meetings Act. We will be reviewing our available options if the Board deviates from the Opinion of the Township Attorney in proceeding with this Hearing. The Supervisor adjusted many items with no knowledge or questions of our operations. The Supervisor's adjustments would inhibit our office from doing our Statutory duties.

Two examples are:

1. Information Technology – Our annual IT license and fees exceed the I.T line item and would result in having to possibly cancel our assessment database subscription and stop other improvements that are in progress. Cuts to I.T. budget prevents us from maintaining our current systems and it will limit our ability to maintain property record cards and have them available to the public (35 ILCS 200/9-20)

2. Professional Services – The \$0 budget item is obstructive to this office. Having the professional service budget item gave us the ability to eliminate a commercial position that saved taxpayers money. We defend appeals that are based on contention of law and use attorneys and our Statutory duty to defend assessments at the Board of Review. Eliminating the Professional Services budget line item prevents our office from using legal counsel to develop and defend assessments that are based on contention of law. (35 ILCS 200/99-160)

Assessor Boltz stated that we were not aware of this new budget and there was no discussion with my office. I found out from information that was hung which was inconsistent with State Statute as the Township Attorney said and there was no discussion from the Supervisor with any personnel in my office. Again, we have been informed, in writing from our attorney and the Township Attorney, that he is incorrect, that this is not a valid hearing to discuss this because my budget was never discussed in Public, and therefore, there is no ability to discuss it at this time, which my attorney concurs with the Attorney for the Township.

Supervisor presentation on Budget:

Supervisor Thoman stated that this Budget represents wrapping up the Township Center with a few payments still due from the Contractor. I believe this is a good Budget for all departments. It stresses services over salaries moving forward. It restores funds to the General Reserves with about 1 year of reserves. It provides for hiring of additional personnel for Youth Services and Senior Services for the Township Center. It provides for additional support for the non-profits that will be serving the residents of the Township. As far as the Assessor's budget goes, his actual expenses for this year, the final bottom line is \$913,444.56. About \$8,700 of that includes PC's for the Supervisor's office from the I.T. budget, so his total expenses were about \$904,744. The recommended budget for the Assessor was \$1,000,488 which represents a 10.6% increase for his actual expenses of this year. He has reduced his department expenses 3 years running, so the 10.6% increase was also historically in-line with the Assessor department for many years. Speaking of specifics, he had a line item for postage but there is no reason for the Assessor to pay postage since it is an obligation of the Supervisor's office to provide postage for the entire Township. His Professional Services, that was specifically put in for a Commercial Appraiser 1099 contract, but he no longer works for the Township as an independent employee. The \$10,095 of actual expenses in Professional Services, in his notes, he states that he will reduce by \$20,000, but there is only \$10,000 in that Budget item so it can't be reduced by \$20,000 and he's asking for \$36,000 or \$38,000 for Professional Services for a line item that no longer exists for a Commercial Appraiser. I think that the salaries which total about \$705,723, his total personnel budget for \$828,015, that we have increased to \$918,185 which allows for overtime and salaries increases. I would also like to point out, the Assessor is obligated by Statute to presents a Budget request 60 days in advance of the end of the fiscal year, it is solely the responsibility of the Board of Trustees to see to it that we provide sufficient

funds to the Assessor's office to operate his department. There has been no declaration by any Trustee or myself that we will do anything other than to do that. We have a legal obligation, Statutory obligation, to pay any presented legitimate bill on time. If he goes over the \$1,000,488, we are still going to be paying his bills because we have a Statutory obligation to pay those bills if they're legitimate. As far as the alleged OMA violation, there is no part of the Open Meetings Act that compels Trustees to discuss an item ~~in public~~. In the January meeting, I asked each Trustee, individually, whether they had any discussion or comments on the Budget. At that time, each person said, "no".

At this time, Attorney Alongi stated there is a violation of the Open Meetings Act because the Assessors' budget was not presented for open discussion. Supervisor Thoman asked him to speak up and stated there is no OMA violation because there is no requirement for discussion of any budget.

Attorney Alongi stated that in my opinion "you are wrong". Supervisor Thoman stated, "in your opinion".

Supervisor Thoman stated that in his opinion and reading the Open Meetings Act, there is nothing there that states we are obligated to discuss anything.

Attorney Alongi asked "how did that budget change without Board approval. How did it change from \$1.25 to \$1,000,488? At this time, Supervisor Thoman interjected and stated there is no requirement for the Board to approve a change of a budget request.

Attorney Alongi stated to speak, but Supervisor Thoman interjected again and stated there is no requirement.

Attorney Alongi stated that you changed the budget yourself. You placed it before everyone but did not advise them that you had done that. That's the Open Meetings violation.

Supervisor Thoman stated, "no, that's not an Open Meetings Act violation".

Attorney Alongi stated the Assessors' original budget should have been presented for discussion and the budget would be fair game, but it should be his budget up for discussion, not your budget. You took your budget and put it in, not his budget, and that's the problem. That's why I'm recommending that we get through this hearing, wait 30 days, do it the right way, and have the right budget posted, then hold the hearing, and let the Assessor address his budget to you, have a fair and open discussion, and that's how it should be done. You can do it transparently and you'd be doing the Citizens a favor by an open discussion, and that's how it's suppose to be done. That's what the Open Meetings violation is about. The Open Meetings Act is about transparency, public discussion. That's my opinion, I put it in writing and I stand by it right now.

Supervisor Thoman thanked Attorney Alongi for his opinion.

Assessor Boltz stated that he has a supplemental presentation on the budget. In your presentation, now that we're in an Open Meeting, you've made multiple false statements to this public and Trustees in your statement tonight. When you post the budget properly, I will be happy to address the budget that I prepared and your false statements that you have made in an open meeting. That's the purpose why the State's Statute require discussions in an Open Meeting because then I could address the false statements that you have made about my budget tonight. Because the key is, you never came back and talked to anyone, you have no operational knowledge of my office, whatsoever you don't understand the Statutes that I have to perform, and the statutory duties that I do, so with all due respect, with no knowledge, and whether you're charging my office for expenses or not is an accounting issue. The point is, I have statutory duties and I have highlighted two that you have taken away my ability to do, and we will discuss it when the Open Meetings Act is followed so the public can see the facts, when it is properly posted and presented to the public and the Trustees can see the actual information that I presented. If the Trustees as a whole, after a Public Hearing and a chance to discuss in public meeting, where the facts are accurately presented, I will stand by any question the public has, a Trustee has and I'm happy to defend that. What I'm not going to do is sit here and have false statements made by a person that knows nothing. But thank you for doing the Public Meeting now, at least you've made those statements in public.

Supervisor Thoman stated that he believes this is a good budget. I believe the Assessor's budget is more than adequate to meet his needs of his department and provides sufficient funds to operate. I'll repeat that Statutorily, if he goes over, that additional \$95,000, the additional 10.6% of his current year, that we will be paying his bills. That is not an issue. The issue is that he is asking for over \$313,000 more than he spent in the current year and he's saying in his notes that he's reducing dollar amounts and reducing head count.

Assessor Boltz stated that you are misquoting what my notes say. You don't present the facts. I went back 2 and 3 years and there was a Pandemic, and I did my best to cut back and I will be happy to address those facts in a proper public setting. When the facts are accurately presented, not the information that you misrepresent to the public. I am happy to do it in accordance with State Statute so the public and Trustees get the facts, and whatever decision that they make, they make. Our Township Attorney has advised you that this is a violation. I need an attorney budget in my Professional Services, to defend statutorily appeals that are opened. Under 35 ILCS 200/160, that's a form of appeal that requires attorney support. If you had talked to me and not made false recommendations to the Board, I could have discussed that and I could explain what that line item was used for. This Board can vote contrary to the Township Attorney's recommendation. We're only saying to wait 30 days. They can do anything they want with the budget, and if it stands the presentation in open discussion in the public where residents can see it. I didn't see the information that you're talking about, and the Clerk didn't see it, and the Board didn't even know that you swapped out the budget. I only saw it last week. You didn't tell anyone or notify anyone.

Supervisor Thoman stated that on December 24<sup>th</sup> that you sent out your budget request. It is a budget request. Further debate ensued.

Supervisor Thoman then stated that we are still going to be paying his bills. We are required by Statute to pay his bills.

Supervisor Thoman reiterated that he disagrees with the Township Attorney because there is no obligation of the Open Meetings Act to discuss anything, at any meeting.

Attorney Alongi stated to speak but was interrupted by Supervisor Thoman. Attorney Alongi stated that was his point in the memo.

At this time, Trustee Ferguson stated that this need not be discussed further.

6. Public Discussion.

**Please refer to Meeting video which is posted on Township website. Because each person in attendance was provided the opportunity to speak, it was a lengthy discussion.**

7. Trustee Discussion.

Trustee Van Der Laan said he will not take a position on whether or not there has been Open Meetings Act violation. With that said, I am persuaded that the Township Attorneys recommendation is a prudent and risk free point of action, so I am inclined to table the consideration for 30 days, after which we hold a public meeting, where we consider the budget the Assessor submitted..

Trustee Ferguson stated that she is deeply troubled by the way this has been handled by Supervisor Thoman. For many reasons, this is inappropriate and handled incorrectly and it's very embarrassing. This has not been transparent. You don't send the Trustees a budget and change it unilaterally yourself and let them find out eventually on their own. The Clerk didn't even know about the change. This has been handled in a very disturbing way, with the discussion earlier and other discussions throughout the year. I feel it not appropriate to vote tonight, and I believe this should be tabled as advised by our Attorney.

Trustee Donner stated that over the years, he has experienced conflicting attorney advice. During the week, I spoke with you and recommended that we have conflicting legal opinions here. Trustee Donner stated that he wanted to go into Executive Session to discuss but did not hear back from Attorney Alongi.

Attorney Alongi replied that it can not be discussed in Executive Session. Trustee Donner stated he would have appreciated to get that information. Trustee Donner stated that he feels Attorney Alongi is working for someone other than the Trustees.

Trustee Donner stated that they monitor the budget monthly. We get detailed financial statements and we audit the numbers. With respect to the Assessor's budget, I was aware during the monthly audits, there was a significant decrease in the actual vs the budgeted amount. It's astronomical variances coming into this. Trustee Donner stated that he and Assessor Boltz generally met to discuss the budget but this year we didn't meet. Assessor Boltz said he tried to call Trustee Donner and he would not return phone calls multiple times.

Trustee Donner stated that he felt he should address his questions through the attorney. Trustee Donner stated that he is the boss for the Assessor. A disagreement between Trustee Donner and Assessor Boltz ensued. Trustee Donner stated there is a huge variance in actual vs what is budgeted. I am a guardian of the public monies. I believe the amount of the budget is astronomically too high and I agree with the reduced budget. I reviewed it when it came out and was published. If there's an error and we vote on this budget tonight, it can be corrected. A violation of the Open Meetings Act means that you have to reopen it and vote on it again. Trustee Donner stated that he doesn't feel anything would change his mind. Trustee Donner stated this budget makes sense to vote on now. If we wait for 30 days, I'm going to vote the same way.

Trustee Kelly stated that there is a 50/50 split and she is leaning towards voting on the budget tonight. In the budget, there were line items that I didn't understand

8. Close the hearing.

Supervisor Thoman closed the Public Hearing. Meeting at 8: 16 PM.

Respectfully Submitted:

Lorraine Grimsby, Clerk