

Resolution # 2021-061721

Amendment of FY 21-22 Budget for Downers Grove Township and Downers Grove Township,
DuPage County, IL

WHEREAS, the FY 21-22 Budget for Downers Grove Township, DuPage County, Illinois, was approved on February 25, 2021; and,

WHEREAS, the public hearing on said budget had been held as advertised, and

WHEREAS, an alleged violation of the Open Meetings Act regarding approval of the FY 21/22 Downers Grove Township Budget was filed with the Du Page County State's Attorney. On May 11, 2021, correspondence was received from the Du Page State's Attorney regarding the alleged violation and is summarized herein.

WHEREAS, on December 24, 2020, Downers Grove Township Assessor Gregory Boltz, in full compliance with law, submitted a proposed budget to Supervisor Mark Thoman for FY 21/22 in the total amount of \$1,246,629.61. Sometime prior to the January 21, 2021 Township Board meeting, Supervisor Thoman unilaterally amended Boltz's submitted budget down to \$1,000,488.00. This budget was ultimately approved by the Downers Grove Township Board on February 25, 2021.

WHEREAS, a township assessor must submit his budget for the ensuing fiscal year at least 60 days prior to the beginning of that fiscal year. 35 ILCS 200/2-30. The Township Board shall determine the amount required and permitted by law to finance the office of township assessor. Id. The Township Board shall adopt a budget ordinance in compliance with the Illinois Municipal Budget Law. Id, see also 50 ILCS 330/1.

WHEREAS, the Municipal Budget Law requires that the budget and appropriation ordinance "shall be prepared in tentative form by some person or persons designated by the governing body, and in such tentative form, shall be made conveniently available to public inspection for at least 30 days prior to final action thereon."

WHEREAS, while the Du Page State's Attorney did not see that the Open Meeting Act was violated, the State's Attorney did express concerns that the actions of Supervisor Thoman may have unlawfully violated the rights and duties of the Township Assessor.

WHEREAS, section 2-30 of the Property Tax Code provides that the assessor for each township "shall prepare and present" an office budget for the ensuring fiscal year. While the Township Assessor did prepare the budget, the budget presented to the Township Board at the January Meeting and made publicly available pursuant to the Municipal Budget Law was not the budget prepared by the Township Assessor, but rather one amended unilaterally by Supervisor Thoman.

WHEREAS, being unaware of any authority for Supervisor Thoman to unilaterally amend the Assessor's Budget proposal, absent Township Board action, the State's Attorney expressed concern that there exists potential issues for the parties to address with regards to compliance with the Township Code, the Property Tax Code, and the Municipal Budget Law. For these reasons, the Township Board has determined that, to place the Township Budget in compliance with applicable law, said budget should be processed now according to law. This Resolution is an expression of that goal.

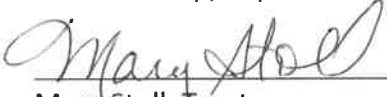
NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Downers Grove, DuPage County, Illinois, that the attached budget for fiscal year 2021 – 2022 shall be presented at a hearing for review and discussion on August 19, 2021.

See Attached Budget

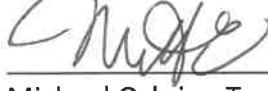
APPROVED this 17th day of June 2021, by the Board of Trustees of Downers Grove Township, DuPage County, Illinois.



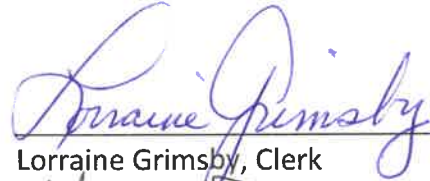
Paul Coultrap, Supervisor



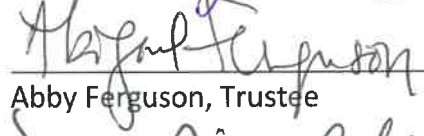
Mary Stoll, Trustee



Michael Ockrim, Trustee



Lorraine Grimsby, Clerk



Abby Ferguson, Trustee



Dave Ricordati, Trustee

SEAL