

Could Your Township Benefit From the Work of a Committee?

By Guy C. Hall and M. Neal Smith

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THE APRIL TOWNSHIP ELECTION has come and gone and newly composed township boards have been seated and begun the many tasks involved in governing. Township officials often pause at this time to consider goals for the upcoming term and which of those goals can feasibly be accomplished. Budget constraints are frequently impediments to the agendas of many townships. Time constraints may also limit what a township can accomplish, since most township elected officials receive little or no pay for their services and have other work and/or family commitments that necessarily reduce the attention that can be paid to township programs and initiatives. A proposed township program may need special attention or might benefit from the input of people with relevant knowledge or experience. The Illinois Township Code recognizes that certain township programs and initiatives benefit from special attention by specifically providing for the creation and appointment of township committees related to literacy, senior citizens services, youth, disabled persons, mental illness and developmental disabilities, and zoning and land use planning. If committees are authorized, and members are thoughtfully appointed with clear direction, their work can be of great value and assistance to the entire township. The following is a brief overview about the formation, structure and purpose of such committees.

Township Committee on Literacy. The trustees of a township can appoint a township committee on literacy, consisting of at least 5 members, in order to provide programs to address illiteracy and promote reading. 60 ILCS 1/153-50. The committee is to select one of its members to be chairperson and may appoint other officers as it deems necessary. In addition to acting on its own, the committee can join with literary programs or organizations as well. Libraries and other governmental entities, such as schools and community colleges, can enter into intergovernmental agreements with townships pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., in order to design, implement or further local programs to combat illiteracy and promote reading.

Committee for Senior Citizens' Services. A township committee for senior citizens' services may be appoint-



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ed by the township trustees, and the committee must be comprised of not more than 9 members. 60 ILCS 1/220-10. At least one-third of the committee members must be 55 years of age or older. The committee is to select one of its members as chairperson and may appoint other officers as it deems necessary. A committee for senior citizens' services works with the Illinois Department on Aging and the Illinois Department of Transportation to develop and administer programs designed to maintain the self-sufficiency and well-being of residents who are 55 and older, and federal funds may be received by the committee through the Departments of Aging and Transportation for the implementation of federally approved senior citizens programs. The committee may enter into contracts with governmental entities, such as Pace Suburban Bus and the Regional Transportation Authority, in order to provide transportation services to seniors. It may also make grants to other governmental entities, not-for-profit corporations, or community service agencies to fund programs for senior citizens, subject to the approval of the township board.

Township Committee on Youth. The township board may appoint a committee on youth comprised of not less than 5 members. 60 ILCS 1/215-5. Like the other committees, the members are to select one member as chairperson. The committee may provide programs to combat and prevent juvenile delinquency and meet the needs of local youth. It may seek funding for programs

through grants or donations. The committee may also cooperate and/or contract with other governmental entities, organizations or agencies to foster, develop, and provide local programs, including transportation programs, in order to address youth issues.

Township Committee on the Disabled. This committee, appointed by the township board, may be comprised of not more than 10 members, a majority of whom must be “disabled.” At least one committee member must be a township trustee appointed by the township supervisor. 60 ILCS 1/225-5. The Township Code defines “disabled” as “any person with a physical or developmental disability.” 60 ILCS 1/225-5(h). The definition under the Township Code is not necessarily helpful, and use of the definition under the Americans With Disabilities Act (ADA) is more instructive and useful. It provides that, “an individual with a disability is a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; or (2) has a record of such an impairment; or (3) is regarded as having such an impairment.” The ADA goes on to define physical impairment, although neither the ADA nor the regulations under it list every condition or disease that would be covered. 42 U.S.C. § 12102.

The committee can work with appropriate public or private entities to develop and administer programs designed to enhance the self-sufficiency and quality of life of township residents who have disabilities. The committee may enter into service agreements or contracts, subject to the approval of the township board, for the purpose of providing needed or required services, and it may make grants to other governmental entities, not-for-profit corporations, or community service agencies to fund programs for those with disabilities. As for funding, a committee on the disabled may accept donations from private sources, and the township may provide funding from its general fund. The township board may also establish and administer a separate fund for the committee.

Planning Commission. In certain townships (townships of more than 500 people in counties with less than 600,000 people and townships in counties of more than 3,000,000 people), the township board may by resolution create a township plan commission. 60 ILCS 1/105-35. The plan commission shall consist of 5 members appointed by the township supervisor with the advice and consent of the township board. Township plan commissions are charged with preparing and recommending to the township board a comprehensive plan for the present and future development or redevelopment of the unincorporated land areas of the township. The plan com-

mission may from time to time recommend changes to the comprehensive plan. The plan commission can also recommend plans for specific improvements in furtherance of the comprehensive plan and assist officials charged with implementing the improvements stated in the plan. If the county in which the township is located has adopted a county zoning ordinance, the recommendations of the plan commission may be presented by the township board to the county board.

Zoning Commission. Only townships in counties that do not have a county zoning ordinance may enact township zoning ordinances, and only then if the township electors authorize zoning at an annual or special town meeting. In those townships that are authorized to enact zoning ordinances, the township board must appoint a zoning commission consisting of 5 members. The commission is to recommend the boundaries of zoning districts and appropriate enforceable regulations. 60 ILCS 1/110-20. Then the zoning commission is required to prepare a tentative report and proposed zoning ordinance for that portion of the township outside the area regulated by any municipal zoning ordinance. After that, the commission shall hold hearings on the report and proposed zoning ordinance at which persons interested are given an opportunity to be heard. The township board will ultimately consider the proposed zoning ordinance and can adopt the ordinance with or without changes, send the proposed zoning ordinance back to the zoning commission for more work, or reject the ordinance. If a zoning ordinance is adopted by the township, the zoning commission ceases to exist, and the board of trustees along with a zoning board of appeals then administers the zoning ordinance.

Board for Care and Treatment of Persons with a Mental Illness or Developmental Disability. The Township Code authorizes townships, following referendum approval, to levy a tax for the purpose of providing facilities or services for the benefit of township residents who have a mental illness or developmental disability. 60 ILCS 1/185-5. When the township levies such a tax, the township supervisor, with the advice and consent of the township board, appoints a “Board for Care and Treatment of Persons with a Mental Illness or Developmental Disability” (“developmental disability board”) to administer the funds. Unlike a township committee on the disabled, the developmental disability board concerns itself solely with mental and developmental disabilities and comes into existence only after a tax levy is authorized by referendum. The developmental disability board is required to adopt rules, and it must appoint one of its members as president and one as secretary. The developmental disability board must

meet annually in July and provide an annual report to the township board containing a detailed statement of its activities. The developmental disability board may establish and maintain facilities within the township for the care and treatment of persons with developmental disabilities, and it may acquire or construct appropriate buildings for its facilities and activities. The developmental disability board may also provide for the care and treatment of persons who are not residents of the township and may establish and collect reasonable charges for such services.

Committee and Board Administration. When a committee or board is appointed, there are certain “house-keeping” issues that are important to address before the committee embarks on its substantive work. A township’s board or supervisor may ask the township attorney to advise the committee during this phase. For example, it is important that individual committee members become familiar with the Open Meetings Act, 5 ILCS 120/1 et seq. (“Act”), and understand its applicability to the committee. The Act requires that all meetings of a public body be open to the public unless there is a specific exception listed in the Act applicable to the matter to be discussed. While a full analysis of the Act is beyond the scope of this article, it is important to note that all township committees are considered “public bodies” for purposes of the Act and are required to keep meetings open to the public, unless an exception applies. This means that a majority of a quorum of committee members (or just a quorum for boards with 5 or fewer members) cannot meet to discuss the business of a committee unless the meeting is properly open to the public in accordance with the Act. Applicability of the Act also means that committee and board members are required to take a training session on compliance with the Act within 90 days of becoming a committee or board member. Training usually lasts an hour, more or less, and may be completed electronically

on the Illinois Attorney General’s website. However, please note that the Attorney General currently has no established procedures for providing training to board or committee members who may be unable to utilize the online electronic training because of a disability.

New committee and board members should also be aware that the documents and paperwork which committees generate will generally be subject to disclosure under the Freedom of Information Act, 5 ILCS 140/1, et seq., unless there is a specific exemption. New committees will also want to consider establishing procedural and administrative rules to govern meetings and activities of the committee. An established committee will want to review its current rules, if any have been adopted, or consider adopting rules if the committee has never done so. With the exception of developmental disability boards, the adoption of rules by township committees is not required. That being said, a thoughtful set of rules often helps to focus a committee and lessen or eliminate disputes. In addition, the adoption of rules conveys the message that the committee takes its work seriously and that the committee recognizes the importance of acting in a professional and transparent manner.

Carefully appointed committees can be an effective way to delegate the work of a township and enable a township to accomplish more for the residents it serves. Certainly, township elected officials will find it helpful to consider whether committees can assist in the administration of important township activities and develop them accordingly.

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JOHN VANCIL retired as road commissioner in Woodstock Township (Schuyler Co.) after 16 years of service. His dedication to the job and genuine concern for the people of Woodstock Township has been greatly appreciated throughout his service, said Clerk Kay Mathewson. He will be greatly missed by the board and community.