

Townships – Government Closest to the People¹

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In the last year there has once again been discussion about consolidating townships or eliminating townships. When consolidation or elimination is discussed, it is important to look at townships to see what they are and whether or not they should be consolidated or eliminated along with considering what impact consolidation or elimination will have.

What are Townships?

Illinois has many forms of government, State, County, Village/City and Township. As someone who was not born and raised in Illinois, townships were a new concept to me. Townships are one of the oldest forms of government in Illinois. The duties of township government are twofold. There are duties to which the townships are bound by state law and then there are the duties the townships may elect to take upon themselves. Before we look at what the townships do, we will look at the officers of townships.

Let's Meet the Township Officers

The township board consists of the Supervisor and four other elected officials known as the trustees.² The township clerk is a member of the board, but is a non-voting member.³

Township Supervisor

The township supervisor is the head of the board and essentially the CEO of the township.⁴ The supervisor receives the township monies and pays out these monies, except for

¹ This article was first published in the September, 2016 issue of *Local Government Law*, the newsletter of the Local Government Law Section of the Illinois State Bar Association.

² 60 ILCS 1/80-5.

³ Id.

⁴ 60 ILCS 1/70-15.

road and bridge funds and library funds.⁵ The supervisor runs the township meetings and is a voting member of the board.⁶ The supervisor is also the Supervisor of general assistance in the township and administers the general assistance program.⁷ Finally, the supervisor is a member of the board of health⁸ as well as the treasurer for the road district of that township.⁹

Township Clerk

The township clerk is the custodian of all records, books, and papers of the township.¹⁰ The clerk is also responsible for recording the meeting minutes in the book of records and shall enter every by-law, rule or regulation made by the board.¹¹ The clerk may administer oaths,¹² and delivers to the supervisor, before the annual county board meeting, certified copies of entries of votes that pertain to raising money since the last annual county board meeting.¹³ The township clerk is also a member of the board of health¹⁴ as well as acting as the clerk for the road district.¹⁵

Township Trustees

The township trustees are the corporate board of townships. The duties and responsibilities of the township board are governed by the Township Code, 60 ILCS 1/ et. sec. The trustees, along with the township supervisor, examine and audit the township and road district accounts before any bills are paid.¹⁶ Further, they authorize the payment of bills as well

⁵ Id.

⁶ 60 ILCS 1/80-5.

⁷ 60 ILCS 1/70-50.

⁸ 60 ILCS 1/70-55.

⁹ 60 ILCS 1/70-60.

¹⁰ 60 ILCS 1/75-5.

¹¹ 60 ILCS 1/75-10.

¹² 60 ILCS 1/75-5.

¹³ 60 ILCS 1/75-15.

¹⁴ 60 ILCS 1/75-35.

¹⁵ 60 ILCS 1/75-40.

¹⁶ 60 ILCS 1/80-10.

as any contingent expenses that are incurred for the benefit of the township and compensation for township officers¹⁷. There are also two positions in townships that are not part of the township board, those of the township assessor and the highway commissioner.

Annual Meeting

The annual meeting is held on the second Tuesday of April each year.¹⁸ The annual meeting is where the elector, a person who is registered to vote, has the opportunity to “make all orders for the purchase, sale, conveyance, regulation, or use of the township's corporate property (including the direct sale or lease of single township road district property) that may be deemed conducive to the interests of its inhabitants”.¹⁹ The electors also authorize money for graveyards, office space, trees, fencing, garbage and public wells. It should be noted that this list is just a sample and is not an exhaustive list of what the electors may do at the annual meeting.

Township Assessor

Every time we get our property tax bills, we all gripe and go to our local township office to appeal those property taxes. The assessor appraises the value of our properties. The assessor is subject to assess our properties based on a formula provided in the Tax Code.²⁰ The township assessor is an elected official²¹ and are also members of the board of health.

Township assessors do get a lot of animosity thrown at them because of property taxes. However, township assessors ensure that our local governments are getting paid.²² Also, when our property values do go up and we are able to sell our homes at a higher price, most of us

¹⁷ 60 ILCS 1/80-35.

¹⁸ 60 ILCS 1/30-5.

¹⁹ 60 ILCS 1/30-50.

²⁰ 35 ILCS 200/9-145.

²¹ 60 ILCS 1/77-5.

²² Illinois Department of Revenue, Publication 136, August 30, 2016, <http://tax.illinois.gov/publications/pubs/pub-136.pdf>.

appreciate the higher property values. We will all probably continue to grip and appeal our property taxes, but we should have an understanding of where the money goes.

Highway Commissioner

The highway commissioner is an officer of the township where the road district is located.²³ Highway commissioners are elected by the Highway Code and are bound by the Highway Code²⁴ 605 ILCS 5/ et sec. The highway commissioner is responsible for the maintenance and construction of the roads under his or her jurisdiction.²⁵ Maintenance includes everything from repaving the road to plowing the roads in the winter. It is the highway commissioner that ensures township roads are kept in drivable conditions.

How Townships Benefit the Community

When it comes down to what townships and road districts do for the public, it can be broken down into two categories. The first is what the townships and road districts are required to do by state law. The second is what they may do, as is stated in the Township Code, “[t]he township board may either expend funds directly or may enter into any cooperative agreement or contract with any other governmental entity, not-for-profit corporation, non-profit community service association, or any for-profit business entity...with respect to the expenditure of township funds”.²⁶ Before we look at what townships may do, we will look at some of the duties prescribed by the Township Code.

Obligations Pursuant to the Township Code

²³ 605 ILCS 5/6-112.

²⁴ Id.

²⁵ 605 ILCS 5/6-201.7.

²⁶ 60 ILCS 1/85-13.

If townships and road districts are dissolved other governmental entities will have to take on the responsibility of what is done by townships and road districts. The following is a sample of what townships and road districts do and is not a complete list.

Cemeteries

Cemeteries may be established and maintained by townships.²⁷ Townships cemeteries may be run by a cemetery board of managers consisting of three members appointed by the township collector.²⁸ Further, at the annual meeting, township electors may provide decoration and maintenance of graves of members of the Armed Forces.²⁹

Mosquito Abatement

Living in a time where one has to worry about West Nile Virus and Zika Virus, mosquito abatement is important. During the annual meeting, township electors may authorize contracts with mosquito abatement services in unincorporated areas of the township, creating a mosquito abatement district.³⁰ This assists in ensuring that all areas of the township are sprayed for mosquitos, which in turns ensures that all areas of the state are sprayed for mosquitos, thus reducing the amount of virus carrying mosquitos within the state.

Facilities and Services for Developmentally Disabled Persons

When a resident with developmental disabilities is not eligible to participate in a program under the School Code, the township may provide facilities or services for the benefit of those residents.³¹ These are some of the responsibilities that the townships are bound to take on, but

²⁷ 60 ILCS 1/130-5.

²⁸ 60 ILCS 1/130-10.

²⁹ 60 ILCS 1/30-65.

³⁰ 60 ILCS 1/30-170.

³¹ 60 ILCS 1/185-5.

this is not the extent of what they do, because they also have the option of choosing to take on programs.

General Assistance

The Public Aid Code allows for financial aid to be provided to residents to meet basic maintenance requirements.³² Aid may be given for either “(a) necessary treatment, care, and supplies required because of illness or disability, or (b) acute medical treatment, care, and supplies only.”³³ Further, “[i]f a local governmental unit elects to provide financial aid for acute medical treatment, care, and supplies only, the general types of acute medical treatment, care, and supplies for which financial aid is provided shall be specified in the general assistance rules of the local governmental unit.”³⁴ Thus, financial aid is another resource to those in the community who have hardships and need assistance. Sometimes a little bit of help can go a long way.

Community Programs Townships Choose to Take On

Algonquin Township Highway Commissioner, Robert Miller, explained that townships and road districts look at where there is a void in the community and look at how to close the void without increasing taxes.³⁵ An example of this would be taking on roads that the municipalities do not want to maintain. These roads used to be farm land or roads leading to farms that were on the outskirts of township territories. Today, these roads include subdivisions

³² 305 ILCS 5/6-1.

³³ Id.

³⁴ Id.

³⁵ Interview to Robert Miller, Algonquin Township Highway Commissioner, August 19, 2016.

that have been built on the outskirts of township territories. Road districts also enter into agreements to maintain non-dedicated roads.

Recycling is another service many road districts provide to the public. Algonquin Township Road District started many recycling programs that have become prominent throughout the state.³⁶ Some Road Districts provide basic recycling services for those who may not otherwise have access to recycling bins. Others provide recycling for Christmas trees, paint, motor oil and electronics. Not only do the Road Districts help keep these items out of landfills, they repurpose them for the greater good. Algonquin Township Road District turns Christmas trees into mulch which anyone from the community may use. They have even given this mulch to schools and churches. There are road districts that also do yard waste pick up or assist with spring clean-up.

Food pantries are another service that some townships provide, such as New Trier, Palatine, Ela and Libertyville. Libertyville Township's website states that in July 2016 they provided food for 217 households.³⁷ Without these food pantries there would be many people living in our communities who would have less access to food or possibly no other access to food.

Senior services is another major element of the services townships provide for the community. Many provide transportation services for seniors and the disabled. There are townships, such as Ela, that provide assistance with prescription drug coverage and food stamps.³⁸ In some areas seniors have the opportunity to use township facilities for activities, while some townships will host bingo nights.

³⁶ Id.

³⁷ Libertyville Township, Food Pantry, August 21, 2016, <http://www.libertyvilletownship.us/supervisor/food-pantry>.

³⁸ Ela Township, Senior Resource Services, August 21, 2016, <http://elatownship.org/senior-programs-and-services>.

What will happen if Eliminated or Consolidated

If townships are consolidated or eliminated, all of the programs that are not required but still provided by townships and road districts risk being eliminated. The risk with consolidation is that if one of the townships being consolidated with another does not have these programs, when consolidated, the new township may not continue the programs. If townships are eliminated completely, these programs will not continue unless the municipalities conclude that they should take on these programs and continue them for the community.

When it comes to those duties that the townships are obligated to perform by statute, consolidation may also have an impact. Now each township would have a larger area that they are responsible for. Townships may have a highway commissioner and a supervisor because it would be too much for just the highway commissioner.³⁹ If the argument is that consolidation will save money, it really will not. The consolidated township will need more employees, thus keeping the same amount the two individual townships had.⁴⁰

Elimination of townships will mean that all of the statutory duties will have to be taken on by some other government entity, whether it be the Village, County or State.⁴¹ For anyone who is unhappy with their Village or County and how they maintain the roads, for instance, this may not be an ideal situation. Further, township elimination may increase in taxation. Townships taxes are raised at a smaller increase than other government entities in the state.⁴² Townships also have lower wages and lower salaries than other government entities.⁴³

³⁹ Interview with Robert Miller, Algonquin Township Highway Commissioner, August 19, 2016.

⁴⁰ Id.

⁴¹ Id.

⁴² Local Government Efficiency & Size in Illinois: Counting Tax Revenues, Not Governments, Township Officials of Illinois, Springfield, IL.

⁴³ Id.

Thus, before we consolidate or eliminate townships, we should really think about what will be the consequences if we do. I encourage everyone to go onto their townships website and see what your township does for you and your community.