

May 12, 2015

Action Requested:

Communication from the Supervisor of General Assistance with a Request to Consent for the Following:

1. Request to Consent to a Resolution Employing Gregory Pelini as a Township Attorney and to Consent to Pay Compensation for the Specific Purpose of Drafting a General Assistance Handbook for the Town of the City of Peoria, for a Fee in the Amount of \$3,000.00, Plus Expenses Not to Exceed \$200.00;
2. Request for Consent of a Line Item Transfer of \$3,000.00 Plus Expenses Not to Exceed \$200.00 from the General Assistance Fund's "Contingency" line item to the General Assistance Fund's "Attorney Fees" line item.

Background: A request is being made for the consent of the Town Board to hire Gregory Pelini as a Township Attorney (there can be more than one Township attorney hired during a year). With changes in the economy over the past twenty years, the Township General Assistance guidelines need to be updated to reflect current trends. As Township Supervisor, it is my duty to set the guidelines of the General Assistance Program and Attorney Gregory Pelini has agreed to assist with this task of reviewing the 400+ page document to bring it up to a new standard.

Attorney Pelini's background is specifically in Township government and he has had vast experience with this type of task for other Townships. The cost to update the document is \$3,000.00 plus expenses not to exceed \$200.00, and this amount needs to be transferred from the General Assistance "Contingency" Fund line item to the General Assistance "Attorney Fees" line item. Township law does not require a written contract for this task.

Below are Township laws that pertain to these circumstances.

(1) Appointment as a township attorney

The applicable provisions of the Township Code are Sections 70-37 and 100-5(a) (60 ILCS 1/70-37, 100-5(a)), which read as follows.

(60 ILCS 1/70-37)

Sec. 70-37. Township attorney. The supervisor, with the advice and consent of the township board, may appoint a township attorney. The township attorney's compensation shall be fixed as provided in Section 100-5.

(60 ILCS 1/100-5)

Sec. 100-5. Township attorney and other employees; compensation.

(a) The township board may employ and fix the compensation of township employees that the board deems necessary, excluding the employees of the offices of supervisor of general assistance, township collector, and township assessor. The township board shall fix the compensation of a township attorney appointed by the township supervisor under Section 70-37. The township attorney shall not be considered a township employee for purposes of the first sentence of this subsection.

(2) Line item budget transfer

Townships are subject to the Illinois Municipal Budget Law ("IMBL"). (50 ILCS 330/1 *et seq.*). Section 3 of the IMBL (50 ILCS 330/3) provides, in pertinent part, as follows.

Except as otherwise provided by law, no further appropriations shall be made at any other time within such fiscal year, *provided that the governing body of such municipality may from time to time make transfers between the various items in any fund in such appropriation ordinance not exceeding in the aggregate ten per cent of the total amount appropriated in such fund by such ordinance* (Emphasis added).