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# How to Work with Fellow Township Board Members

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## HOW TO WORK WITH FELLOW TOWNSHIP BOARD MEMBERS

**“Happy townships are all alike;** every unhappy township is unhappy in its own way.” Keri-Lyn J. Krafthefer, rewriting Leo Tolstoy, Anna Karenina, Chapter 1, first line.

### I. Characteristics of a Happy Township Board:

#### A. The Township Board is Effective.

1. Township officials understand roles
2. Township officials understand the limitations of their authority and power.
3. The board understands the restrictions on the township board's powers.
4. The board understands the differences between the township board's powers and the elector's powers.
5. Communication
6. Training
7. Orientation
8. Committees
9. No micromanagement
10. Understands applicable laws
11. Hires appropriate consultants

#### B. Township Board Meetings are Effective and Productive

1. The board receives financial and other important information sufficiently in advance of the board meeting.
2. Board members regularly attend the meetings
3. The board assigns responsibilities appropriately.
4. Meetings are well run.
5. Agendas are not cluttered.
6. Public comment is welcomed, and controlled.
7. Meetings observe timeliness.

#### C. Success from the Start: Creating a Productive Board Culture

- 1 Discuss the culture that you want to maintain
  - a. Agree on meeting procedures
  - b. Agree on protocols for communication outside of meetings

- c. Get to know other board members and the key staff on a more personal level.
  - d. State expectations
2. Encourage discussion and debate
  - a. Manage the conversation
  - b. Seek assistance if needed
  - c. Acknowledge that some topics may elicit strong feelings
  - d. Remind people of the Board's procedural rules or agreements
3. Give board members the information they need
  - a. Transparency
  - b. Seek input from board members to build a consensus
  - c. Educate officials about the history
4. Agree on communication protocols
5. Hold each other accountable

## II. Board Conflict: When Things Get Ugly

- A. Prevention is the best cure.
- B. Remember the positive side of conflict
- C. Absence of conflict may indicate apathy
- D. Symptoms of conflict
  1. Personal accusations; no one is listening
  2. People leave the board meeting and cluster in the parking lot to rehash their position or to express what they really think.
  3. Disagreements in the press
  4. People are resigning from the board in anger, or stop showing up at the meetings.
  5. Board members are pressured to choose sides in an argument.
  6. Members send inflammatory emails attacking their opponents and defending their positions, or escalate the hostility in the press.

E. How Conflict Emerges on the Township Board

Conflict in the boardroom often has the following root causes:

1. Board members disagree about an issue they care about deeply.
  - a. Differences of opinion about the Township's goals and activities.
  - b. Differences of opinion about the competence of the employees
  - c. Generational or political transitions.
  - d. Politics.
  - e. Lack of understanding of the role of each township official.
  - f. Bad things happen to good townships.
2. The board lacks the tools needed to manage disagreement.
  - a. A lack of understanding about how to manage conflict.
  - b. A supervisor who does not know how to lead the board through the conflict, or who is a part of the conflict.
  - c. Boards that prefer to avoid disagreements; challenging decisions or recommendations is considered inappropriate or a waste of time.
  - d. Sometimes, peace will not be possible
3. People behave in provocative, unproductive ways  
Examples of these behaviors include:
  - a. Frequently interrupting or talking over other board members.
  - b. Dominating discussions.
  - c. Publicly disagreeing with board decisions.
  - d. Challenging every statement made by certain individuals on the board.
  - e. Bringing up an issue over and over once a decision has been made.
  - f. Using overly personal or abusive language.

- g. Using dismissive body language (e.g. eye-rolling).
- 4. Promoting one interest (a cause, or a relationship with another board member) over the township.

F. What You Can Do to Manage Conflict

- 1. Test your own understanding of what is happening. Is there really a conflict, or just a dissent?
- 2. Determine the nature of the conflict. Is the conflict caused by real disagreements or by personal or inappropriate behaviors?
- 3. When there are real differences of opinion
  - a) Call in TOI as a mediator.
  - b) Build commitment to resolve the conflict.
  - c) Clearly define the real issue.
  - d) To move towards solutions try asking the following questions:

What is the real question we are trying to answer?

What are our shared values (as a board) in relationship to this issue?

If we cannot reach consensus right now on a solution to the conflict, can we agree on a next step?

- 4. When people's actions are creating conflict
  - A. Establish and reinforce meeting agreements
  - B. Hold each other accountable.
  - C. Have a private conversation with the individual(s) involved.
- 5. Undertake an annual board self-evaluation
- 6. Rotate committee membership
- 7. Bring in outside consultants

III. How to Move Beyond Conflict

A. If you are the Supervisor

1. Take a lead in resolving the conflict.
2. If you are part of the conflict, step aside.
3. If you do not have conflict resolution skills, find someone who does and let them lead the process.
4. Informal discussions with the involved people
5. Be direct.

B. If you are a Trustee

1. If you are not involved in the conflict, try to understand it.
2. If you are part of the debate, get a different perspective.
3. Talk to the Supervisor or other trustees about what you are seeing, and how you think the situation might be addressed.
4. Support the Supervisor if you think s/he has the neutrality and skills required. If not, speak with the Supervisor privately to suggest an alternative, and how you think that alternative might help manage and defuse the situation. If you feel you have the skills and neutrality needed, offer to take the lead.
5. If you do not feel that your concerns are being heard when you talk to board officers, it is appropriate to raise them at a board meeting.

C. If you are the Township Administrator or an employee

1. Stay neutral!
2. Test your understanding of what is going on with the Supervisor and trustees, and help them think through what steps are needed to move things forward.

3. Help the board get TOI involved to conduct a self evaluation.

D. How Long Will This Take?

1. Change takes a long time!
2. Acknowledge history and contributions of long-serving officials
3. Be patient and go slowly to build consensus.
4. Acknowledge the benefit of the past, but keep an eye on the future
5. Don't focus exclusively on the Township's legacy.

IV. The Township Team

General principle: "Dillon's Rule:" In order for a township official (or for the township) to perform a duty or function, there must be a law giving them the power to do it. If there is a dispute as to whether or not someone can do something, see who the Township Code gives that power to. If you have a dispute with a township official over whether or not they have the authority to do something, tell them to show you where in the law it says they can do it.

A. Supervisor

1. Role

CEO of the Township (Sec. 70-15)  
Member of and Chairman of the township board (Sec. 80-5)  
Supervisor of General Assistance (Section 70-50)  
Member of the Board of Health (Sec. 70-55)  
Road District Treasurer (Sec. 70-60).

2. Powers and specific authority:

Hire general assistance employees (Sec. 100-5)  
Appoints attorney (with advice and consent of board) (Sec. 70-37)  
Financial Duties:

Receives and pays out monies raised in the township for defraying township charges, with some exceptions (Sec. 70-15)

Keeps account of receipts and expenditures of all monies that come into the Supervisor's possession (Sec. 70-25)

Prepares and files annual financial statement

Prepares and files annual treasurer's report

3. Limitations of the Office

Can vote and make motions, but no veto

Can be outvoted

No independent authority to make policies or set rules (need board action), unless that power is delegated by the board.

No policy authority over road district or assessor's office

B. The Township Board of Trustees

1. Township Board = supervisor and trustees (Sec. 80-5)

2. Role: The board of township trustees implements and carries out orders prescribed for it by the electors assembled at a town meeting, either annual or special, as well as other specific functions set forth by statute.

3. Powers and specific authority:

a. examine and audit the township and road district accounts before any bills (other than general assistance, obligations for Social Security tax and wages subject to the Wage Payment and Collection Act) are paid out (60 ILCS 1/80-10);

b. examine the accounts of the supervisor and to audit all charges and claims against the township (60 ILCS 1/80-15);

c. adopt rules to govern its meetings (60 ILCS 1/80-10);

d. approve a budget (60 ILCS 1/80-60);

- e. comply with the Governmental Account Audit Act (60 ILCS 1/80-65);
- f. contract for the provision of a variety of services to township residents (e.g., public safety, environmental protection, public transportation, health, recreation, libraries, social services, etc.) (60 ILCS 6/85-13);
- g. employ and fix the compensation of township employees that the board deems necessary (60 ILCS 1/100-5 (a), put conditions on employment including hours, leave time, form, nature and time for payment of compensation, residency requirements (60 ILCS 1/100-5(b) and provide insurance benefits (60 ILCS 1/100-15);
- h. make contracts related to insurance and purchase of insurance (60 ILCS 1/30-41 and 30-42); and
- i. fix charges for service provided to non-residents (60 ILCS 1/30-166); and
- j. exercise the powers granted to township boards, including those necessarily implied and those specifically within Section 85-10. 60 ILCS 1/85-10.

3. Limitations of the Office

- a. Cannot exercise powers given to the electors
- b. Individual members have no individual powers, except as noted above for supervisors

C. Township Clerk

1. Role

Clerk of the Township Board (Sec. 80-5)

Not a voting member, except to tie votes to fill vacancy (Sec. 80-5)

Can appoint a deputy if authorized by the board. (Sec. 75-45).

Ex-officio clerk for the highway commissioner

Custodian of the township's records (Sec. 75-5)

D. The Electors

1. Role. The township's electors are the corporate authorities of the township.
2. Powers and specific authority:
  - a. They have the power to take all necessary measures and give direction to the township board for the exercise of the township's corporate powers. See Anders v. Town of Danville, 45 Ill.App.2d 104 (1964).
  - b. property record system (Sec. 30-45)
  - c. Make all orders for the purchase, sale, conveyance, regulation or use of the township's corporate property (Sec. 30-0)
  - d. Declare surplus property (Sec. 30-53)
  - e. Restore public graveyards (Sec. 30-60)
  - f. Authorize township board to exercise zoning powers (Sec. 30-75)
  - g. Regulate trees, fences, livestock running at large, pounds, impounding and sale of animals
  - h. Inoperable motor vehicles
  - i. Authorize mental health services
  - j. Authorize police protection & fire protection
  - k. Authorize supervisor to file application to participate in IMRF
  - l. Authorize advisory questions

3. Limitations of the Electors

They cannot "veto" action of the township board that was within the township board's powers.

E. Highway Commissioner

1. Role: Both the office and the officer...separate and distinct municipal corporation. Burnidge Bros. Almora Heights, Inc. v. Wiese, 96 Ill.Dec. 562 (2nd Dist. 1986).
2. Powers and specific authority:

Sole jurisdiction over the roads and bridges of the Road District.

Responsible for the construction and maintenance of these roads and bridges to the extent funded by the township. *Western Sand & Gravel Co. v. Town of Cornwall*, 2 Ill.2d 560 (1954).

Submit all warrants, bills and orders for final payments to township board of trustees within 30 days after the receipt of the bill. (605 ILCS 5/6-410)

Purchase or lease of highway construction and maintenance equipment (605 ILCS 5/6-201.17)

Establish personnel policies if five or more employees. (605 ILCS 5/6-201.20)

Contract for liability insurance. (605 ILCS 5/6-412.1)

Contract for public transportation with Township Board approval. (605 ILCS 5/6-411.5).

Hire Road District attorney

3. Limitations of the Office

Township Board has to approve the budget tax levy

F. Township Assessor

1. Role Township official, not a member of the township board

2. Powers and specific authority:

Appraises property and places value on it according to formulas set by the Illinois Department of Revenue.

May appoint one or more employees to assist in assessing or other duties. (35 ILCS 200/2-65(a))

### 3. Limitations of the Office

Submits a budget to township board...the board is likely required to provide an amount sufficient to perform the duties. (35 ILCS 200/2-30)

Township board sets an amount for travel and office expenses, including travel and transportation expenses for reimbursement of reasonable travel, meal, lodging and registration expenses for training by Department of Revenue. (35 ILCS 200/2-80)

### **ABOUT THE SPEAKER: KERI-LYN J. KRAFTHEFER**

KERI-LYN J. KRAFTHEFER is a shareholder and partner with the law firm of Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C., which has offices in Chicago, Naperville, Vernon Hills, Crystal Lake and Bloomington. She received her undergraduate degree in Political Science from the University of Illinois and her juris doctor degree from the John Marshall Law School. Throughout her legal career, Ms. Krafthefer has concentrated her practice in the representation of units of local government and public officials. Ms. Krafthefer has counseled numerous townships regarding the issues that arise daily, including matters related to board practices and procedures, personnel, finance, employment, intergovernmental cooperation, open space, election law and governmental finance, as well as in litigation.

Ms. Krafthefer has been named by Chicago Magazine and Illinois Super Lawyers as one of the top 50 female attorneys in the State of Illinois, as well as one of the top attorneys representing cities and villages. Ms. Krafthefer is the primary author of the Township Officials of Illinois Laws & Duties Handbook. She has authored several chapters of the Township Clerk's Handbook, helped edit The Illinois Township Supervisor's Guide and has spoken at various zone meetings for the Township Officials of Illinois clerks division, providing an overview of township clerks' responsibilities. Ms. Krafthefer also formerly served as a Township Trustee in York Township. She serves as the township attorney or special counsel for many townships.

Ms. Krafthefer speaks regularly at training seminars and the annual conferences sponsored by the Township Officials of Illinois, as well as to regional township and township clerks' associations. Ms. Krafthefer is the former Chair of the Chicago Bar Association's Local Government Law Committee, the CBA's Election Law Committee and the CBA's Entertainment Committee. For more information on Ms. Krafthefer or our firm, visit our website at [www.ancelglink.com](http://www.ancelglink.com).