

OSWEGO TOWNSHIP

RESOLUTION NO. 2020- 04

**A RESOLUTION CONCERNING THE
OSWEGO TOWNSHIP ROAD DISTRICT**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
OSWEGO TOWNSHIP**

This 12th day of May 2020

RESOLUTION NO. 2020-04

**A RESOLUTION CONCERNING THE
OSWEGO TOWNSHIP ROAD DISTRICT**

WHEREAS, the Township of Oswego, Kendall County, Illinois (the "Township") is a township duly organized under the laws of the State of Illinois, including the Illinois Township Code, and a unit of local government as defined in Section 1 of Article VII of the Illinois Constitution; and

WHEREAS, the Oswego Township Road District (the "Road District") and its Highway Commissioner ("Commissioner") have exclusive authority over the employees of the Road District; and

WHEREAS, the Township, its Supervisor and Board of Trustees have no authority to oversee, supervise, hire, fire, discipline, evaluate, set compensation or benefits of employees of the Road District; and

WHEREAS, the Township, its Supervisor and Board of Trustees have no authority to oversee the expenditure of funds by the Road District and its Commissioner; and

WHEREAS, the Township, its Supervisor and Board of Trustees have no authority to prevent the Road District and its Commissioner from overspending its budget after the budget is approved by the Township; and

WHEREAS, it has been determined the Road District employees have been compensated for benefits, including vacation time to which the employees were not entitled, with the payments being approved by the Road District; and

WHEREAS, the Township Supervisor is by statute the treasurer for the Road District yet has no authority to oversee the Road District's employees or the Commissioner's approval of payment of employees' compensation or benefits; and

WHEREAS, the Oswego Township Supervisor and Board of Trustees have determined that it is in the Township's best interest to require proof from the Road District and its

Commissioner that the employees who received payment for vacation or other benefit time to which they were not entitled have reimbursed the Road District the full amount of the overpayments, and require proof that appropriate steps have been taken to ensure all aspects of employee compensation is properly accounted for, recorded and paid in the future.

THEREFORE, BE IT RESOLVED by the Board of Trustees of Oswego Township, Kendall County, Illinois, as follows:

SECTION ONE: That the foregoing recitals are true and correct and are incorporated hereto by reference.

SECTION TWO: That the Township is and shall not be responsible for: the calculation of Road District employees' compensation or of any benefits including paid leave time; the approval of Road District payroll, paid leave, or other benefit payments; ensuring the Road District's expenditures are within its budgeted authority; or, errors of Road District personnel in recording employees' hours, paid leave accruals, and other benefits.

SECTION THREE: Although it is not within the Township's authority, if it were, the Township Board would approve the termination of employees responsible for approving and receiving payment for benefit time to which they were not entitled, and the Township would provide assistance in recruiting, hiring and training of competent replacement personnel.

SECTION FOUR: The Commissioner is hereby directed to provide proof to the Township Board within 30 days of adoption of this Resolution that the employees who received payment for vacation or other benefit time to which they were not entitled have reimbursed the Road District the full amount of the overpayments, and require proof that appropriate steps in addition to implementing a time clock have been taken to ensure all aspects of employee compensation is properly accounted for, recorded and paid in the future.

SECTION FIVE: The Supervisor/Treasurer is authorized to implement administrative procedures he deems appropriate for all departments of the Township, (Assessor, Cemetery

Board, Clerk, Plan Commission, Road District), to follow in submitting requests for payment of any expenditure, including payroll.

SECTION SIX: This Resolution shall be in full force and effect upon adoption.

ADOPTED this 12th day of May 2020 by the following roll call vote:

Trustee Bidegan yes

Trustee Jacobsen yes

Trustee Selmer yes

Trustee Small yes

Supervisor LeClercq yes

OSWEGO TOWNSHIP



Brian LeClercq, Supervisor

ATTEST:



Ken Holmstrom, Clerk

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

CLERK'S CERTIFICATE

I, Ken Holmstrom, the duly qualified and acting Clerk of Oswego Township, Kendall County, Illinois, do hereby certify that attached hereto is a true and correct copy of a resolution entitled:

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which resolution was duly adopted by the Board of Trustees of Oswego Township at a regular meeting held on the 12th day of May 2020.

I do further certify that a quorum of the Board of Trustees was present at said meeting or attending by electronic means as permitted by Executive Order by the Governor, and that the Board complied with all of the requirements of the Illinois Open Meetings Act as amended by Executive Order during a declared disaster.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May 2020.

(SEAL)



Clerk, Oswego Township