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**DUPAGE TOWNSHIP  
WILL COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 21-02**

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**AN ORDINANCE CORRECTING A SCRIVENER'S ERROR IN THE TAX LEVY  
ORDINANCE (ORD. NO 20-23) OF DUPAGE TOWNSHIP**

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**FELIX GEORGE, Supervisor  
KULSUM ALI, Clerk**

**ALYSSIA BENFORD  
MARIPAT OLIVER  
KEN BURGESS  
DENNIS RAGA  
Trustees**

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Published in pamphlet form by authority of the Supervisor and Board of Trustees of DuPage Township on February . 2021

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Prepared by ODELSON, STERK, MURPHEY, FRAZIER & MCGRATH, LTD. - Township Attorneys - 3318 West 95th Street -  
Evergreen Park, Illinois 60805

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# DUPAGE TOWNSHIP

## ORDINANCE NO. 21-

### AN ORDINANCE CORRECTING A SCRIVENER'S ERROR IN THE TAX LEVY ORDINANCE (ORD. NO 20-23) OF DUPAGE TOWNSHIP

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WHEREAS, DuPage Township, Will County, State of Illinois (the "Township") is a duly organized and existing township and a unit of local government organized under the laws of the State of Illinois and is operating under the provisions of the Illinois Township Code, 60 ILCS 1/1-1, *et seq.*, and all laws amendatory thereto; and

WHEREAS, the DuPage Township Tax Levy Ordinance (ORD. No. 20-23) was passed by a majority vote of the Township Board on December 15, 2020; and

WHEREAS, a scrivener's error in the amount listed in Section 2 "SOCIAL SECURITY FUND" was discovered in that the itemized amount listed was \$95,000 rather than \$98,000 as reflected in the Tax Levy Summary; and

WHEREAS, the Trustees that voted to approve the Tax Levy Ordinance intended the itemized amount listed for social security to be \$98,000, as reflected by the total levy amount and tax levy summary, and correcting the scrivener's error will not substantively change or otherwise alter the purpose, intent, or effect of any affected ordinance or resolution; and

WHEREAS, the Will County Clerk's Office has accepted the certified Tax Levy Ordinance with the scrivener's error corrected and require no further action by the Board of Trustees in order to levy taxes for the 2021 fiscal year; and

WHEREAS, the Township Board has determined that it is nevertheless proper to correct the scrivener's error and to confirm the Tax Levy Ordinance as submitted to the Will County Clerk's Office.

**NOW, THEREFORE, BE IT ORDAINED** by the Supervisor and Board of Trustees of DuPage Township, Will County, Illinois, as follows:

**SECTION 1:** The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made part hereof, as if fully set forth in their entirety.

**SECTION 2:** The scrivener's error contained in page 4 of ORD 20-23 is hereby corrected to reflect an itemized amount of \$98,000 and reflected in the attached Exhibit A

Levy Itemization.

SECTION 3: If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

SECTION 4 All ordinances, resolutions, rules, policies, and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded and repealed.

SECTION 5: This Ordinance shall be in full force and effect from and after its adoption and approval according to law.

*[Remainder of Page Intentionally Left Blank]*


**ADOPTED** by the Supervisor and Board of Trustees of DuPage Township, Will County,

Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2021, pursuant to a roll call vote, as follows:

	<b>YES</b>	<b>NO</b>	<b>ABSENT</b>	<b>PRESENT</b>
Trustee Benford				
Trustee Oliver				
Trustee Burgess				
Trustee Raga				
Supervisor George				
<b>TOTAL</b>				

**APPROVED** at a Regular Meeting of the Board of Trustees of the DuPage Township, on

April 7, 2021.

  
\_\_\_\_\_  
FELIX GEORGE, Supervisor

ATTEST:

\_\_\_\_\_  
KULSUM ALI, Township Clerk

**EXHIBIT A**

	Amount <u>Levied</u>	
<u>GENERAL TOWN FUND</u>		
<u>ADMINISTRATION</u>		
Personnel	\$339,800	
Contractual Services	\$339,100	
Commodities	\$30,500	
Capital Outlay	\$500	
TOTAL ADMINISTRATION:		\$709,900
<u>ASSESSOR</u>		
Personnel	\$337,700	
Contractual Services	\$46,650	
Commodities	\$2,000	
Capital Outlay	\$4,000	
Other Expenditures	\$500	
TOTAL ASSESSOR:		\$390,850
<u>CEMETERY</u>		
Commodities	\$200	
TOTAL CEMETERY:		\$200
<u>YOUTH SERVICES</u>		
Personnel	\$10,000	
Contractual Services	\$20,000	
Commodities	\$900	
Other Expenditures	\$55	
TOTAL YOUTH DEPARTMENT		\$30,955
<u>SENIOR SERVICES</u>		
Personnel	\$190,325	
Contractual Services	\$57,000	
Commodities	\$5,000	
Other Expenditures	\$150	
Capital Outlay	\$4,000	

<b>TOTAL SENIORS SERVICES</b>		<b>\$256,475</b>
<u><b>SOCIAL SERVICES</b></u>		
PACE Services	\$35,000	
Social Service/Grants	\$75,000	
<b>TOTAL SOCIAL SERVICE DEPARTMENT</b>		<b>\$110,000</b>
<u><b>LEVY SENIOR CENTER</b></u>		
Contractual Services	\$15,000	
Commodities	\$21,000	
Capital Outlay	\$500	
Other expenditures	\$100	
<b>TOTAL LEVY SENIOR CENTER</b>		<b>\$36,600</b>
<u><b>MAINTENANCE DEPT ADMINISTRATION:</b></u>		
Personnel	\$75,500	
Contractual Services	\$100,200	
Commodities	\$17,000	
Capital Outlay	\$200	
Other Expenditures	\$100	
<b>TOTAL MAINTENANCE ADMINISTRATION</b>		<b>\$193,000</b>
<u><b>FOOD PANTRY</b></u>		
Personnel	\$125,000	
Contractual Services	\$33,600	
Commodities	\$17,500	
Capital Outlay	\$500	
<b>TOTAL FOOD PANTRY</b>		<b>\$176,600</b>
<b>TOTAL GENERAL TOWN FUND</b>		<b>\$1,904,580</b>

REF: General Corporate Tax 60 ILCS1/235-10

ILLINOIS MUNICIPAL RETIREMENT FUND (IMRF)

Personnel \$100,000

**TOTAL IMRF FUND:**

\$100,000

REF: IMRF Tax 40 ILCS 5/7-171

SOCIAL SECURITY FUND

Personnel \$98,000

**TOTAL SOCIAL SECURITY FUND:**

\$98,000

REF: Social Security Tax 40 ILCS 5/21-110 & 110.1

GENERAL ASSISTANCE FUND

ADMINISTRATION

Personnel \$150,000  
Contractual Services \$5,000  
Commodities \$1,400  
Capital Outlay \$100  
Other Expenditures \$50

**TOTAL ADMINISTRATION**

\$156,550

HOME RELIEF

Contractual Services \$93,450  
Commodities \$50,000

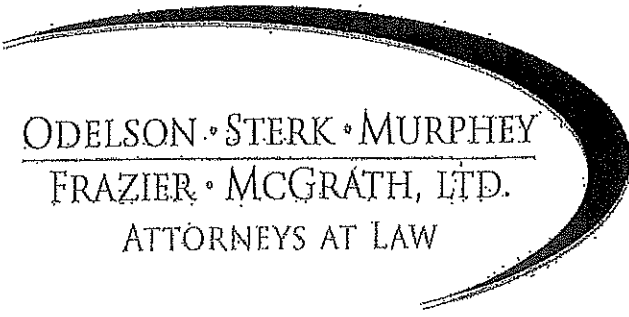
**TOTAL HOME RELIEF:**

\$143,450

**TOTAL GENERAL ASSISTANCE FUND:**

\$300,000





ODELSON • STERK • MURPHEY  
FRAZIER • MCGRATH, LTD.  
ATTORNEYS AT LAW

3318 WEST 95<sup>th</sup> STREET  
EVERGREEN PARK, IL 60805

OFFICE: (708) 424-5678  
FAX: (708) 425-1898

www.osmfm.com

**MEMORANDUM**

**CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

TO: Supervisor Felix George  
DU PAGE TOWNSHIP

CC: Township Clerk Kulsum Ali  
Assistant Linda Youngs

FROM: Lauren DaValle  
ODELSON, STERK, MURPHEY, FRAZIER, & MCGRATH, LTD.

DATE: January 26, 2021

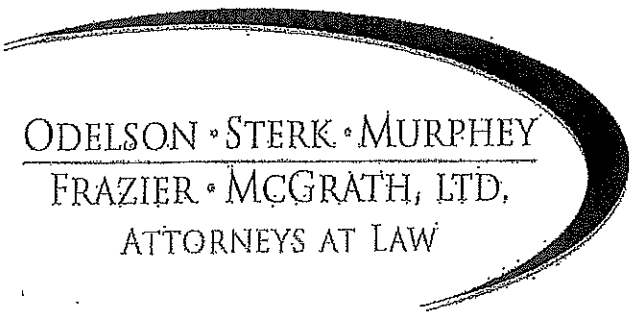
RE: Tax Levy- Revised and Updated Memo 1/26/21

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Du Page Township's attorneys were advised of an accusation of a forged tax levy by a member of the media and have researched this issue to determine whether any further action is required.

The Illinois Township Code provides that "the moneys necessary to defray the township charges of each township shall be levied on the taxable property in the township in the manner prescribed in the property tax code, 35 ILCS 200/1-1 et. seq." 60 ILCS 1/80-40. The Property Tax Code requires all taxing district to annually certify to the county clerk, on or before the last Tuesday in December, the several amounts that they have levied. 35 ILCS 200/18-15. The Township Clerk is vested with the authority to certify the amount of taxes required to be raised for all township purposes to the county clerk. 60 ILCS 1/75-20.

On Tuesday December 15, 2020 the Township Board voted to approve Ordinance 20-23 entitled "Tax Levy Ordinance". The total amount levied is listed in Section 1 as TWO MILLION FOUR HUNDRED TWO THOUSAND, FIVE HUNDRED EIGHTY DOLLARS (\$2,402,580.00). Section 2 is an



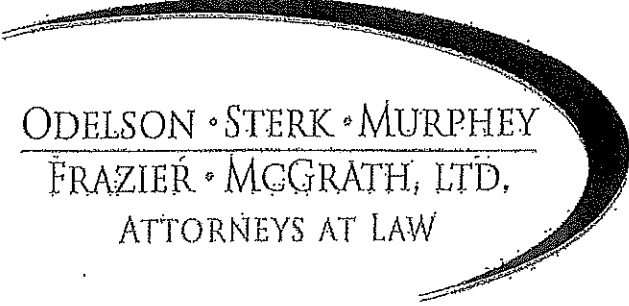
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ATTORNEYS AT LAW

January 26, 2021  
MEMORANDUM  
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itemized breakdown of the amount levied for the General Town Fund, General Assistance, Illinois Municipal Retirement Fund (IMRF) and Social Security Tax. The total amount levied for Social Security is listed as \$95,000.00 in Section 2. However, the Tax Levy Summary lists Social Security Tax as \$98,000.00. The sum of the General Town Fund (\$1,904,580.00), General Assistance (\$300,000.00), IMRF (\$100,000.00), and Social Security Tax (\$98,000.00) is \$2,402,580.00, which is consistent with the total amount levied. The sum total if Social Security Tax is \$95,000.00 equals \$2,399,580.00. The Tax Levy Worksheet lists \$98,000.00 for social security for 2020 payable 2021 and \$95,000 for social security for 2019 payable 2020.

The levy ordinance was certified by the Township Clerk then delivered to the Will County Clerk's Office by the Supervisor's administrative assistant. On December 22, 2020, the Will County Clerk's Office emailed the Supervisor's administrative assistant stating he had found a minor discrepancy in the levy. The discrepancy is as noted above, that the itemized amount for Social Security in Section 2 is listed as \$95,000.00 but the summary is listed as \$98,000.00. The Assistant Chief Deputy of the Clerk's Office also noted that he believed \$98,000.00 is the correct amount, as it would result in an aggregate total levy of \$2,402,580.00 as stated in Section 1 of the Ordinance. He requested a corrected page 4 of the Ordinance changing the social security amount from \$95,000.00 to \$98,000.00. A corrected page 4 of the Ordinance was emailed to the County Clerk. The total amount levied and the levy summary were not changed. The certification was not changed.

Based upon the fact that the Levy Worksheet always stated \$98,000.00 for social security, the total listed in Section 2 for social security is \$98,000.00, and the total of all funds equals the amount of the total levy of \$2,402,580.00 it appears that the line item for social security listed as \$95,000.00 was a clerical



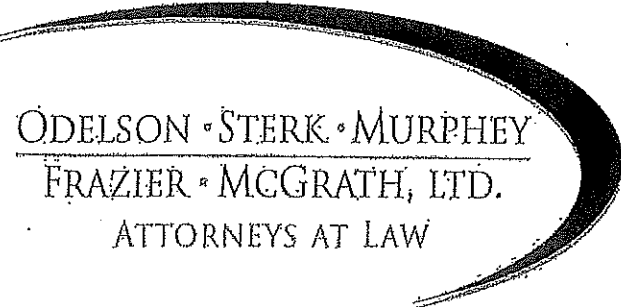
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ATTORNEYS AT LAW

January 26, 2021  
MEMORANDUM  
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error, and the Board intended to levy taxes in the total amount stated in Section 1, for the itemized amounts listed in the total in Section 2, as reflected in the Levy Worksheet.

The Property Tax Code states as follows, *"In all judicial proceedings concerning the levying and collection of taxes, an error or informality of any officer or officers in making any tax levy or in certifying or filing the levy not affecting the substantial justice of the levy itself, shall not vitiate or void the levy or affect the tax. When the error or informality in a levy, its certification, filing or publication can be corrected by amendment, or a levy can be sufficiently itemized, the purpose defined and made certain by amendment, made prior to the entry of any order of court affecting the levy or the collection of taxes thereon, an amendment or amendments, certification, filing or publication may be made by the taxing bodies affected. The ordinance, resolution, publication or certificate, as amended, certified, filed or published, shall, upon proof of such amendment or amendments, certification, filing or publication being made to the court, have the same force and effect as though originally adopted, published, filed and certified in the amended form. The aggregate amount or rate of the original levy shall not be increased by an action taken under this Section. A statute terminating the time within which appropriations or tax levies may be made, published, certified or filed, shall not apply to any republication, recertification or refiling, or to any amendment or revision authorized or permitted by this Section."* 35 ILCS 200/23-40.

This section clearly would allow amendments of any clerical mistakes, even those pertaining to itemization and statement of purposes. *People ex rel. Novak v. Susman (In re Du Page Cnty. Collector)*, 193 Ill.App.3d 210, 213-14 (1990). Accordingly, it is proper for the Township to submit an amended



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ATTORNEYS AT LAW

January 26, 2021  
**MEMORANDUM**  
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Ordinance, with the correct social security itemization listed in Section 2, to the Will County Clerk's Office.

The submission of an amended Ordinance will not violate the time provisions required by the Township Code and Property Tax Code for submission of the Levy. While it appears that this issue was merely a scrivener's error, any substantive changes to the Levy should go before the Board. No further action is required by the Will County Clerk's Office in order to levy the taxes for 2021. However, an Ordinance correcting the scrivener's error has been prepared for transparency and record keeping.

Please contact me with any questions or concerns.

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**DUPAGE TOWNSHIP  
WILL COUNTY, ILLINOIS**

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**RESOLUTION  
NUMBER 21-15**

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**A RESOLUTION APPROVING  
AN AGREEMENT FOR THE PROVISION OF SERVICES BETWEEN  
DUPAGE TOWNSHIP AND THE THIRD INSTITUTE**

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**FELIX GEORGE, Supervisor  
LYNNE WOODARD, Deputy Clerk**

**ALYSSIA BENFORD  
MARIPAT OLIVER  
KEN BURGESS  
DENNIS RAGA  
Trustees**

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Published in pamphlet form by authority of the Supervisor and Board of Trustees of DuPage Township on April 7, 2021

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Prepared by ODELSON & STERK, LTD. - Township Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805

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**DUPAGE TOWNSHIP**  
**RESOLUTION NO. 21-**

**A RESOLUTION APPROVING**  
**AN AGREEMENT FOR THE PROVISION OF SERVICES BETWEEN**  
**DUPAGE TOWNSHIP AND THE THIRD INSTITUTE**

---

**WHEREAS**, DuPage Township, Will County, State of Illinois (the "Township") is a duly organized and existing township and a unit of local government organized under the laws of the State of Illinois and is operating under the provisions of the Illinois Township Code, 60 ILCS 1/1-1, *et. seq.*, and all laws amendatory thereto; and

**WHEREAS**, The Third Institute ("TTI") serves as a community resource for children through activities and services that help instill confidence in young children.

**WHEREAS**, the Illinois Township Code authorizes the Township Board of Trustees to enter into contractual agreements with established organizations such as TTI, whether public or private, which provide services to the general area of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Supervisor and Board of Trustees of DuPage Township, Will County, Illinois, as follows:

**SECTION 1:** That all of the recitals contained in the preambles to this Resolution are true and correct and are hereby incorporated into this Resolution by reference.

**SECTION 2:** The Township Board hereby approves the Partnership Agreement for the Provision of Services between the DuPage Township and The Third Institute .

**SECTION 3:** Any and all Resolutions or Ordinances of the Township which may conflict with this Resolution are hereby repealed.

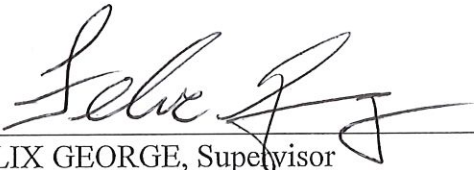
**SECTION 4:** This Resolution shall be in full force and effect from and after its passage as provided by law.

**ADOPTED** by the Supervisor and Board of Trustees of DuPage Township, Will County,

Illinois this 7th day of April 2021, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Trustee Benford		X		
Trustee Oliver	X			
Trustee Burgess	X			
Trustee Raga		X		
Supervisor George	X			
<b>TOTAL</b>	<b>3</b>	<b>2</b>		

**APPROVED** at a Regular Meeting of the Board of Trustees of the DuPage Township, on April 7, 2021.

  
FELIX GEORGE, Supervisor

ATTEST:

~~LYNNE WOODARD, Township Deputy Clerk~~