

No. 2021 - ____

**A RESOLUTION
DISSOLVING THE COMMUNITY MENTAL
HEALTH BOARD OF ELGIN TOWNSHIP**

WHEREAS, there was on the ballot for the March, 2020 primary election a certain referendum calling for the levy of a tax for mental health purposes pursuant to the Community Mental Health Act, 405 ILCS 20/5, as follows:

“Shall Elgin Township levy an annual tax of not to exceed 0.15% for the purpose of providing community mental health facilities and services including facilities and services for the person with a developmental disability of a substance use disorder”; and

WHEREAS, this referendum question was approved by the voters of Elgin Township at said election; and

WHEREAS, thereafter, in May, 2020, the Township Board approved the appointment of various persons to a Community Mental Health Board, consisting of seven (7) persons, as follows:

New Business: 2. Mental Health Board appointments;

1. Misty Javan, Social Worker/Case Manager for DuPage County,
2. Suzanne Rozycki, Registered R.N.,
3. Karen Beyer, former Social Service Director,
4. Denise Habun, previous involvement w/ Hanover Township Mental Health Board,
5. Chrystal Knight, Attorney,
6. Kate McCormack, Kane County Health Department.
7. Supervisor Ramirez, will be on board for 1 year.

Supervisor Ramirez made a motion to accept these applicants for the Mental Health Board.

Motion seconded by Trustee Van Weelden.

Discussion held.

Motion carried 5-0-0.

WHEREAS, the Township Board of Trustees enacted no measures to first establish a Community Mental Health Board in Elgin Township, as required under 405 ILCS 20/3a; and

WHEREAS, persons appointed to serve on a Community Mental Health Board are to be appointed to specific terms of office, commencing from the first day of the year of appointment, and staggered among 2, 3 and 4 year terms, 405 ILCS 20/3b; and

WHEREAS, the Township Board of Trustees failed to designate any specific term of office for the persons appointed to serve on the Elgin Township Community Mental Health Board; and

WHEREAS, the members of the Elgin Township Community Mental Health Board selected their own terms of office, at a meeting of said Board held on June 25, 2020; and

WHEREAS, thereafter, the Township Board of Trustees enacted a levy of taxes for mental health facilities and services and delivered a certified copy of same to the Kane County Clerk – Tax Extension Department, in accordance with law; and

WHEREAS, thereafter, the Kane County State’s Attorney issued her opinion to the Kane County Clerk that the referendum approving such levy of taxes was not valid, and did not comply with the Property Tax Extension Limitation Law (“PTELL”), and further, that the requested taxes could not be levied by the County, despite such request from the Township; and

WHEREAS, the purpose for establishing such Board is linked by law directly to the levy of such taxes, 405 ILCS 20/3a, and such levy has been denied; and further, the referendum has been found to be ineffectual to support such levy of taxes for mental health facilities and services; and

WHEREAS, the Township Board of Trustees has determined that a new referendum, meeting the objections of the Kane County State’s Attorney and addressing her concerns about compliance with the Property Tax Extension Limitation Law, should be presented to the electors of Elgin Township at an appropriate future date; and

WHEREAS, the Township Board believes it to be in the best interests of the Township to dissolve the current Mental Health Board, and to duly establish such Mental Health Board by appropriate ordinance in the event the future referendum passes and authorizes the levy of a tax for mental health facilities and services, including making such appointments to the Mental Health Board as are put forth by the Supervisor and approved by the Board of Trustees at that time.

NOW THEREFORE BE IT RESOLVED BY THE SUPERVISOR AND BOARD OF TRUSTEES OF ELGIN TOWNSHIP, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The Community Mental Health Board of Elgin Township as it currently exists shall be and is hereby dissolved.

Section 2. The members of said Board, listed above, or their respective successors, and any other members, are hereby relieved of any further duties of a mental health board as specified by statute.

Section 3. The members of said Board, listed above, or their respective successors and any other members, shall be notified in writing by the Town Clerk of the enactment of this Resolution.

Section 4. This Resolution shall take effect upon its passage and approval according to law.

ADOPTED this ____ day of _____, 2021, by roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Ken Bruderle
Township Supervisor

ATTEST:

Karen Dowling
Township Clerk