

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

ACTION ITEM

May 17, 2010

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: Treasurer for 2010-11

Proposed Action by the Board of Education

Approve Roger Manderscheid as treasurer for the 2010-11 school year.

Background

Each year, we are to re-approve the treasurer position. Roger has kept his rate at \$5000 for the next school year. As requested, I have gathered some information as to what the responsibilities are for the school treasurer. He would be the lawful custodian of school funds, is responsible for all receipts, disbursements, and investments of school funds, and does pay orders for us. I have included wording on the attached pages that better describes our requirements.

5:45 What are the duties of a school board secretary?

Duties imposed upon the secretary by law include:

- 1) keep and maintain minutes of meetings and related records safe and easily accessible;
- 2) attest to the authenticity of official school board documents, such as minutes of meetings, resolutions and records of all types and prepare an annual report to the treasurer;
- 3) receive written resignations of board members;
- 4) serve as the local election official for the biennial school board election and for any election at which the board has authorized a referendum.

The school board also may enact policies that impose additional duties on the secretary. A secretary who is a member of the board is entitled to vote on all matters before the board and may make or second motions and participate in discussion.

105 ILCS 5/9-2(d)
105 ILCS 5/10-7
105 ILCS 5/10-8
105 ILCS 5/10-10
105 ILCS 5/10-11
105 ILCS 5/10-14

5:50 May school board officers be paid for their services?

Only the secretary of a board of education may be compensated. Other officers of the board may not be paid for their services.

105 ILCS 5/10-14

5:60 Are there limitations on compensation of the board secretary?

The secretary of the board of education, whether a member of the board of education or not, may be paid. The rate of pay must be set by the board of education at least 180 days before the beginning of the secretary's term of office.

If the secretary is a member of the board, the rate of pay may not exceed the statutory limit set forth in the School Code. There is no statutory limit on the compensation for a secretary who is not a member of the board.

50 ILCS 145/2
105 ILCS 5/10-14

5:65 May a school board elect a district employee to serve as board secretary?

Yes, although this is probably not a good practice. A board secretary is elected for a fixed term. A board is very limited in its ability to supervise, discipline or dismiss an elected secretary. A way to avoid the conflict is to elect a board member as secretary and then appoint an employee to assist. An employee in this capacity serves at the pleasure of the board.

5:70 Who serves as board secretary or clerk in the absence of the elected secretary or clerk?

If a clerk or secretary is absent from a board meeting or refuses to perform the duties of the office, a secretary or clerk pro tempore must be appointed by the remaining board members.

105 ILCS 5/10-14

5:75 May a school board officer be removed from office for failure to attend meetings?

No. However, the statutes that provide for the election of school board officers also allow the appointment of pro tempore officers in the absence, inability to act, or incapacity of the elected officer.

105 ILCS 5/10-13 et seq.

TREASURERS**5:80 What is a school treasurer?**

* The school treasurer is the only lawful custodian of school funds, is responsible for all receipts, disbursements and investments of school funds, and pays orders issued by the school board.

105 ILCS 5/8-1 et seq.

5:90 How is a school treasurer elected or appointed?

In Class I county school units (all counties other than Cook), each school board either:

- 1) elects one of its members to serve as treasurer without salary for a period of one year, or
- 2) appoints a non-member as treasurer and fixes compensation. The appointed treasurer (non-member of the board) serves at the pleasure of the

board.

In Class II county school units (Cook County), the trustees of schools appoint a township treasurer unless the Class II county school unit is no longer subject to the jurisdiction and authority of the trustees of schools, which may occur in a number of different ways pursuant to a complicated statutory scheme.

105 ILCS 5/5-1
105 ILCS 5/8-1 et seq.

5:95 What qualifications are required of a school district treasurer?

Illinois statutes provide various sets of qualifications for school treasurers, depending upon the source and manner of appointment:

1) A treasurer who is a member of the school board ~~has no required qualifications other than election by vote of the board for a term of one year. This option of electing a board member as treasurer is available to school boards in all counties other than Cook, as well as to any Cook County school board that has withdrawn from the jurisdiction of the township trustees and township school treasurer under Section 5-1(b) of the School Code.~~

2) A treasurer who is not a member of the school board must be at least 21 years old, of approved integrity and, if appointed for the first time after October 1, 1977, must have a financial background or related experience or 12 semester hours of credit of college level accounting. This option of appointing a treasurer who meets these qualifications is available to school boards in all counties other than Cook, as well as to any Cook County school board that has withdrawn from the jurisdiction of the township trustees and township school treasurer under Section 5-1(b) of the School Code.

3) A township school treasurer appointed by township trustees in Cook County must be a resident of the township and neither a trustee nor member of a school board. ~~If appointed for the first time after August 14, 1989, the individual must be a certified public accountant or certified school business official or have experience as a Cook County township school treasurer prior to July 1, 1989.~~

4) A treasurer appointed by a Cook County school board that was under the jurisdiction of a township treasurer at the time that office was abolished in the township under Section 5-1(c) of the School Code must be neither a school board member nor district superintendent and, if appointed

~~for the first time after August 14, 1989, must be a certified public accountant or certified school business official or have experience as a Cook County township school treasurer prior to July 1, 1989.~~

105 ILCS 5/5-1(b)
105 ILCS 5/5-1(c)
105 ILCS 5/8-1

5:100 May the county treasurer be designated the treasurer of a school district?

Yes.

Ill. Const. art. VII, sec. 4(e)

5:105 Is the school treasurer required to post a bond?

The school treasurer is required to post two types of bonds. The first is a surety bond that every school treasurer must post "before entering upon his duties." The bond must provide a penalty of 25 percent of "all bonds, notes, mortgages, moneys and effects of which the treasurer has custody at any time." The penalty may be increased or decreased to accommodate changes in the value of financial instruments under the treasurer's control, but it can never be less than the 25 percent requirement. The bond must be approved by the governing school board or by the township trustees in Class II counties (Cook) for school districts under the jurisdiction of township trustees. The bond must then be filed with the regional superintendent of schools.

The second bond is required before the treasurer can accept possession of the proceeds of a bond issue and will normally be required before bond counsel will give approval to the issuance of bonds. This bond must be equal to 25 percent of the amount of the bond issue and must be approved by the governing school board or board of township trustees.

The treasurer's bond requires a calculation of the highest amount that is likely to be under the treasurer's control at any one time. This bond, however, need not duplicate coverage of the special bond required for a bond issue.

105 ILCS 5/8-2
105 ILCS 5/19-6

5:110 How is a vacancy in the office of school treasurer filled?

In Class I county school units and Class II county school units no longer within the jurisdic-

tion of the trustees of schools and township treasurer, when a vacancy occurs in the office of school treasurer by death, resignation, or removal from office, the school board appoints a new treasurer.

In Class II county school units still within the jurisdiction of the trustees of schools, the trustees of schools elect a treasurer to fill the unexpired term.

105 ILCS 5/8-1

5:120 How is the school treasurer paid?

* In Class I county school units, a school board may elect one of its members as school treasurer to serve without compensation or appoint a non-member and fix compensation.

~~In Class II county school units no longer within the jurisdiction of the trustees of schools and township treasurer, the school board appoints the treasurer and fixes compensation.~~

~~In Class II county school units still within the jurisdiction of the trustees of schools, the trustees appoint a school treasurer and fix compensation. The treasurer so appointed cannot be a trustee or school board member.~~

* Compensation for a school treasurer must be fixed prior to the appointment of the treasurer and may not be decreased during the treasurer's term of office.

105 ILCS 5/5-1

105 ILCS 5/8-1

105 ILCS 5/8-3

5:130 Who is responsible for checking a school treasurer's books?

* The regional superintendent of schools is required to examine all books, accounts, and vouchers of every school treasurer in the region at least once each year. If any irregularities are found,

the regional superintendent is required to report the irregularities at once in writing to the trustees of Class II county school units or to the respective school boards of those school districts that form a part of a Class II county school unit but that are not subject to the jurisdiction of the trustees of schools of any township in which any such district is located or to the respective school boards of districts in Class I county school units. The trustees or the school board is required to take immediate action as the case demands.

The regional superintendent is also required to examine all notes, bonds, mortgages, and other evidence of indebtedness that the township or school treasurer holds officially, and if any of the papers are found not to be in proper order or the securities are insufficient, the regional superintendent is required to report the problem in writing to the board of trustees.

105 ILCS 5/3-14.11

5:140 When may a school treasurer be removed from office?

* In Class I county school units (all counties except Cook) and in Class II county school units (Cook County) that are no longer subject to the jurisdiction of the trustees of schools and township treasurer, an appointed school treasurer serves at the pleasure of the school board and may be removed by the board at any time for cause. The School Code does not provide a method to remove an elected school treasurer from office during the treasurer's one-year term.

~~In Class II county school units still within the jurisdiction of the trustees of schools, the trustees of schools may remove a school treasurer from office for cause.~~

105 ILCS 5/8-1

Hertel v. Boismenuie, 229 Ill. 474, 82 N.E. 298 (1907)