

# Township Trustees of Schools

TOWNSHIP 38 NORTH, RANGE 12 EAST

www.lyonstto.net

BOARD OF SCHOOL TRUSTEES  
Michael S. Thiessen, President  
Nicholas A. Kantas, Trustee  
Shakana L. Kirksey-Miller, Trustee

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## *Minutes of the Special Meeting of the Board of Trustees of the Lyons Township School Treasurer's Office May 26, 2021 – 2:00 P.M.*

The Board of Township Trustees of Schools, Range 38 North, Range 12 East, Illinois (Lyons Township) have called a special meeting on May 26, 2021, at 2:00 P.M.

Pursuant to Governor Pritzker's Executive Order 2020-73, the special meeting will be a virtual meeting.

### **Microsoft Teams Virtual Meeting Information**

[Click Here to Join Meeting](#)

To Join Meeting via Phone, Dial +1-872-810-3297,  
and enter Conference ID: 607 961 466#

Mr. Michael Thiessen	<u>  X  </u>	_____
Mr. Nicholas Kantas	<u>  X  </u>	_____
Ms. Shakana Kirksey-Miller	<u>  X  </u>	_____

#### **Staff Virtually Present**

Mr. Kenneth T. Getty, Treasurer  
Ms. Brigid Murphy, Director of Finance and Operations

#### **Others Virtually Present**

Mr. Ed Wong, TTO Attorney  
Ms. Cynthia Schilski, League of Women Voters  
Ms. Kathleen Graffam, League of Women Voters  
Mr. David Palzet, Superintendent, Pleasantdale School District #107  
Dr. Tim Kilrea, Superintendent, Lyons Township High School District #204  
Mr. Bob Skolnik, Reporter, Riverside Brookfield Landmark  
Two Anonymous Guests – phone numbers only listed: no names.

### **AGENDA**

#### **Call to Order & Roll Call**

President Thiessen called the meeting to order at 2:05 P.M.

### **AGENDA**

#### **Call to Order & Roll Call**

#### **Pledge of Allegiance**

**Public Comments** – The following public comments were made:

1. The following letter received by the TTO via email from Dr. Brian Barnhart, Superintendent of West Springs District #101 and resident of Naperville, IL:

Dear President Thiessen, Treasurer Getty and TTO Board:

With the verdict being delivered recently in the case between the Lyons TTO and Lyons HS District 204, I would like to reiterate the position that the District 101 Board of Education and I have held on this matter since first meeting with you on the issue in 2015.

The lawsuit filed against LT 204 was not something we asked for, wanted, wished to be a party to, or wished to finance through legal fees. While many of the elements above are now in the rear-view mirror, the potential for additional legal fee liabilities is something each of us as district members of the TTO is facing. Let me be clear, the future actions of the TTO Board are legally defined within your control; however, the financial liability for those decisions, including additional legal fees, is one borne only by us. If the reported \$4.1 million in accrued legal fees to date is an accurate figure, the District 101 liability alone ranges between \$250,000 and \$300,000. For us, this is equivalent to hiring approximately seven new teachers this school year. Whatever actions and next steps you are contemplating, none should include adding additional financial obligations to already-strapped member districts.

Twice previously we have explicitly requested for the lawsuit to be settled. Through the process that has taken the better part of eight years, there is now a chance for the proceedings to be finished. The time is now to move forward and allow our taxpayers' dollars to fully do what they are intended to do, educate our students.

2. The following letter received by the TTO via email from Ms. Ellie Ambuehl, Executive Director of the LaGrange Area Department of Special Education and a resident of, Chicago, IL:

Dear President Thiessen, Treasurer Getty, and TTO Board:

I recently had the opportunity to read the decision in the case between the Lyons TTO and Lyons Township District 204. I would like to share the position of the La Grange Area Department of Special Education (LADSE) as it pertains to this case and possible next steps.

As outlined in the verdict, the legal expenses encumbered over the past eight years are astronomical, especially when one considers that taxpayers who reside within District 204's feeder elementary districts have essentially paid twice the legal costs for this lengthy lawsuit since their elementary districts pay the TTO costs and their property tax bills in part support District 204's legal costs.

LADSE is a very similar organization to the TTO in that we are not a taxing body nor do we receive any direct federal or state grant revenue to support our operations. Our revenue comes exclusively from our member districts. Because of this and especially in challenging economic times as we are in right now, LADSE is very sensitive to the costs that we pass along to our membership and try to look at the overall value to the cooperative before making significant financial decisions. As one of your member organizations, we expect the same from the TTO.

I understand the verdict in this case favored District 204 and that the awarding of approximately \$750,000 to the TTO is significantly less than what the TTO had originally requested in the lawsuit. I further understand that either the TTO or District 204 have the ability to appeal the decision. In the communication sent yesterday which you were included on, Dr. Kilrea indicated that District 204 was not interested in pursuing an appeal. I am requesting on behalf of LADSE that the TTO make a similar commitment. This lawsuit has stretched out far too long at the expense of all Lyons Township residents. Appealing this decision will only have a negative impact on the ability to educate our students moving forward.

3. The following letter received by the TTO via email from Dr. Kyle Schumacher, Superintendent of LaGrange School District #102 and resident of Hawthorn Woods, IL:

Dear President Thiessen, Treasurer Getty, and TTO Board:

Having recently read the decision in the case between the Lyons TTO and Lyons Township District 204, I would like to share the position of the La Grange School District 102 in regards to future steps.

In the communication sent yesterday, which you were included in, Dr. Kilrea indicated that District 204 was not interested in pursuing an appeal. I am requesting on behalf of the communities served by La Grange School District 102 that the TTO make a similar commitment. This lawsuit has stretched out too long at the expense of all of our communities. Appealing this decision will only have a negative impact on the ability to educate our students moving forward. Taxpayers in our communities are responsible for paying for both sides of this lawsuit. We are asking that this stop so that we can focus our resources on the children in our district.

If the reported, approximately, \$4.1 million in TTO legal costs are accurate, we would estimate between \$400,000-500,000 as our pro-rata costs. This, on top of our annual pro-rata, is a significant amount that could be used to hire teachers and support staff for our children. Let us focus our resources on our children and learning.

4. The following letter received by the TTO via email from Cynthia Schilski with the League of Women's Voters and a resident of LaGrange:

My name is Cynthia Schilski, and I am a resident of LaGrange and today I am speaking as a concerned citizen and as a taxpayer. I ask that you do not appeal the court's decision in regard to the TTO lawsuit against LTHS. The nearly \$4 million dollars that has already been spent by the TTO on legal fees is enough for dealing with issues that are decades old. It is time to move forward with lessons learned, better record keeping, good fiscal management and transparency are all essential to ensure that all available funds are used for the education of students in Lyons Township. To that end, I will be watching to see how the \$760,000 will be redeployed for the benefits of the school districts that the TTO services. I urge you not to use any more resources to appeal the court's decision. Thank you.

5. The following letter received by the TTO via email from David Palzet, Superintendent of Pleasantdale School District #107 and a resident of Deerfield, IL:

Thank you for the opportunity to enter questions into the public record. Pleasantdale School

District has worked with its Board and the TTO to be good stewards of taxpayer dollars. It is our intention to continue to be financially responsible and safeguard the community's resources. To that end I have two questions for the Trustees.

1. As a member district we have paid our full pro-rata share of any costs associated with the LT/TTO lawsuit. Can our district expect to incur further costs related to this lawsuit or have all legal fees been paid in full?
2. Now that a judgment has been rendered, what can we expect would be the next move for the TTO? In discussions over the past several years, it was stated that in the event the TTO did not recover an award from LT we could expect a slimmed down TTO and a change to services. What will this new lean TTO look like?

President Theissen thanked the public for attending the meeting and for their input. He stated that the TTO is grateful that the judge has made a decision and that this is the first time the elected Board has had an opportunity to discuss it. As he stated to Report Skolnik there is a lot to unpack in the decision. There is still a structural deficit that needs to be allocated and the TTO will need to understand what the accounting impact is to us and to other member districts. The decision provided some guidance on the issues related to LT there are still questions regarding the interest allocations that need to be addressed. Additionally, LT will need to let the TTO know if they plan on leaving and there is the unwinding that will need to be done that will impact their portfolio if unwound in a quick manner. Some of these things need to be discussed with LT and the TTO plans to do so. Trustee Kantas thanked participants for their attendance and public comments today and that their comments will be considered moving forward.

**Motion to suspend the Board Meeting for the purpose of entering Closed Session**

**Motion at 2:20 P.M. by Trustee Kantas to enter closed session under:**

- *Illinois Open Meetings Act, (5 ILCS 120/2 (c)(11)*, "Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting."
- *Illinois Open Meetings Act, (5 ILCS 120/2 (c)(1)*, "Discussion on the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body."

**Seconded by Trustee Miller**

Roll Call:      Ayes:                      Theissen, Kantas & Miller  
                     Nays:                         None  
                     Absent:                        None

***Motion carried.***

**Action as a result of Closed Session** - None

**Adjournment**

**Motion by Trustee Kantas** to simultaneously adjourn the closed session and the Regular Meeting of the Board of Trustees at approximately 3:30 P.M. **Seconded by Trustee Miller.**

Roll Call:      Ayes:                      Thiessen, Kantas & Miller  
                     Nays:                         None  
                     Absent:                        None

***Motion carried.***

**Minutes approved by:**

\*\*\*Minutes have been approved at the 06/28/2021 Meeting and will be signed when the current COVID-19 precautions allow

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**President, Michael Thiessen**

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**Trustee, Nicholas A. Kantas**

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**Trustee, Shakana Kirksey-Miller**

**Date:** 06/28/2021