

Agenda
Glen Ellyn Village Board of Trustees
Monday, February 14, 2011
8:00 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Village Recognition:
 - A. Police Officer Tom Staples received a note of thanks from a student who enjoyed the recent DARE class.
 - B. Police Chief Phil Norton and Deputy Police Chief Bill Holmer received an email message from Superintendent Ann Riebock, thanking them for participating in a meeting, and recognizing the efforts of the Police Department and Public Works in clearing the snow to ensure a safe arrival of the students.
 - C. A letter was received from the Bloomingdale Chief of Police expressing his thanks and appreciation to Sergeant Stephen Smith and Police Officer James Monson for their assistance during a recent investigation.
 - D. The Village accepts the resignation of Robert Marcott, effective February 16, 2011, from the Environmental Commission and thanks him for his service to the Village.
 - E. The Village Board and Management Team congratulates the following employee who recently celebrated an anniversary as a Village employee:

John Perkins	Police Department	Five Years
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5. Audience Participation
6. Consent Agenda

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below: (*Trustee Hartweg*) (Pages 4 -57)

- A. Village Board Meeting Minutes:
 1. January 24, 2011 Workshop
 2. January 24, 2011 Regular Meeting
 3. January 17, 2011 Regular Workshop
 4. November 15, 2010 Regular Workshop

- B. Total Expenditures (Payroll and Vouchers) - \$1,782,842.17.
- The vouchers have been reviewed by Trustee Hartweg prior to this meeting.
- C. Ordinance No. 5919-VC, an Ordinance Amending Title Two of the Village Code regarding Membership Requirements for Boards and Commissions in Glen Ellyn, Illinois. (*Planning and Development Director Hulseberg*)
- D. Motion to approve an Independent Contractor's Agreement with Carol White to serve as the Temporary Executive Director of the Transitional Downtown Organization through April 30, 2011. (*Planning and Development Director Hulseberg*)
- E. Motion to accept the lowest quote for the demolition of the building on the former Marathon Gas Station property located at 825 N. Main Street. (*Planning and Development Director Hulseberg*)
- F. Motion to waive competitive bidding requirements and award a contract extension to Kramer Tree Specialists, Inc. in the not-to-exceed amount of \$135,000 for the Branch and Brush Pickup Service work for FY 11-12. (*Interim Public Works Director Perrigo*)
- G. Motion to declare as surplus a Village vehicle and to authorize its sale or disposal. (*Police Chief Norton*)
- H. Motion to approve the recommendation of Village President Pfefferman to appoint Leonore Neary as Chairman of the Environmental Commission effective February 17, 2011.
7. Village Attorney Diamond will present information concerning the proposed ethics resolution and ordinance. (*Trustee Henninger*) (Pages 58 – 98)
- A. First reading of Resolution No. 11-xx, a Resolution Establishing the General Policy of the Village of Glen Ellyn regarding the Ethics Standards Expected from its Civil Servants.
- B. First reading of Ordinance No. ____, an Ordinance Establishing Standards for Ethical Conduct by Civil Servants Providing for a Process to Review and Act Upon Alleged Violations and Adding Chapter 12 to Title 1, of the Glen Ellyn Village Code.

These first readings of the proposed ethics resolution and ordinance are non-binding "straw votes" of the Village Board for the purpose of providing for the additional opportunity for the public to raise questions or comments prior to their passage. The documents, which apply to all elected officials, volunteer board and commission members and employees, ensure all have clear guidance for carrying out their roles and responsibilities.

8. Reminders:

- The Regular Workshop meeting of the Glen Ellyn Village Board scheduled for Monday, February 21, 2011 has been cancelled.
- The next Regular Village Board Meeting is scheduled for Monday, February 28, 2011 with the Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

9. Other Business?

10. Adjournment

11. Press Conference

Kristen Schrader

From: Bob Marcott
Sent: Thursday, February 03, 2011 10:38 AM
To: Kristen Schrader
Subject: Environmental Commission

A-4D

Kristen,

As we discussed, I am resigning as chair and member of the Environmental Commission effective February 16, 2011, the day after our February 15 meeting of the Commission.

I recommend that Lee Neary, a current member of the Commission, be appointed to succeed me as chair of the Commission. I have worked closely with Lee on the Tree Protection Subcommittee of the Commission. Lee is fair-minded and open-minded. She has demonstrated equanimity and leadership skills. She is committed to the Village and would make a fine chair.

I want to thank you for your tireless support and guidance as our staff liason. You were there with sound advice and help on every issue.

I am grateful for the opportunity to serve the Village these past seven or eight years as a member of the Commission. The experience has been personally rewarding and I am thankful I could work with so many dedicated volunteers.

Bob

**Minutes
Village Board Workshop
Glen Ellyn Village Board of Trustees
January 24, 2011**

A-6A,

Time of Meeting: 7:00 P.M.

Present: President Pfefferman; Trustees Comerford, Hartweg, Cooper, Thorsell, Henninger; Village Clerk Connors. Village Attorney Diamond. Trustee Ladesic arrived at 7:09 p.m.
Staff present: Interim Village Manager Burghard, Assistant to the Village Manager Schrader, Department Managers Hulseberg, Police Chief Norton, Noller, Minix. Building and Zoning Official Kvapil was also present.

1. Call to Order

President Pfefferman called the Board Workshop to order at 7:00 P.M. with a roll call. Trustees Thorsell, Comerford, Cooper, Hartweg, Ladesic, and Henninger responded "Here."

2. Five-Year Financial Forecast and Village Financial Profile

President Pfefferman began by explaining the purpose of the year-long work undertaken by the Finance Commission to assist the Village in financial planning. He introduced J. Randal Parker, Chairman of the Finance Commission. Mr. Parker explained that the presentation may seem rushed, but that there was a lot of information to be discussed. He thanked his fellow Finance Commission members and indicated that Finance Commission member Tat Skirvin was also in the audience. The Finance Commission is made up of all volunteers and gathering the information for tonight took a lot of time.

Mr. Parker presented the Financial Scorecard first. The Scorecard was made up of property taxes, demographics, financial results and financial position. He explained that in order to compare municipalities somewhat equally, the Village Links (Recreation Department) and the Water/Sewer Fund were excluded. Park Districts, water, wastewater, and/or utilities such as electrical service provided by other communities were not included in the comparisons that will be shown at this meeting. He briefly reviewed Glen Ellyn as compared with other communities noting that Glen Ellyn is fortunate to have a volunteer fire company that off-sets a large expense that other municipalities have. The Finance Commission recommends that an annual update of this report be prepared.

Mr. Parker then discussed the Five Year Financial Forecast noting that only the General Fund was considered. He explained that the annual budget looks at finances for one year, but the Finance Commission recommends a five year forecast that is updated. He gave the assumptions used for revenue and expenses which shows a trend toward a \$6 million

Village Board Workshop Minutes
Glen Ellyn Village Board of Trustees
January 24, 2011

deficit by 2016. The Finance Commission made suggestions to reduce the \$6 million gap over time. In conclusion, Mr. Parker presented the Finance Commission's various recommendations for the Village Board's consideration. He thanked the entire Commission for all their hard work.

3. Other Items?

None

4. Adjournment

At 8:03p.m., Trustee Cooper moved, seconded by Trustee Henninger, to adjourn to the Regular Village Board meeting in the Galligan Board Room. All voted "aye." Motion passed.

Submitted by,

Suzanne R. Connors,
Village Clerk

A-6A₂

**Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
January 24, 2011**

Call to Order

Village President Pfefferman called the meeting to order at 8:05 p.m.

Roll Call

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic and Thorsell answered, "Present."

Pledge of Allegiance

President Pfefferman led the Pledge of Allegiance.

Village Recognition

- a. Police Officer Joseph Flores received a letter from a resident thanking him for the courtesy he extended her daughter when he pulled her car over following a traffic violation. The resident stated that Officer Flores used an evenhanded approach, resulting in respect and appreciation for the work of a police officer.
- b. A downtown business called Public Works to express their appreciation to Assistant Public Works Director Dave Buckley for leading the effort to coordinate the placement of a construction dumpster in the public right-of-way.
- c. President Pfefferman thanked the Public Works Operations crew for all the work they have had to do lately related to the high number of watermain breaks – approximately 13 in the last 10 days. He announced that the Public Works Department is currently working on a watermain break on Stephanie Lane. A power line was struck as well and about 10 homes are without power; ComEd has been notified.

Audience Participation

- a. Tammy Pressley representing The Central DuPage Hospital provided their 2010 Community Benefit Report summary.
- b. Bonnie Gahrts, 520 Longfellow, representing the League of Women Voters, spoke in favor of the Ethics Ordinance and Resolution and presented a letter to the Village President and Board of Trustees in support of both ethics documents.

Consent Agenda

Interim Village Manager Burghard presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

Trustee Cooper moved and Trustee Comerford seconded the motion that the following items included on the Consent Agenda be approved:

- a. **Minutes** of the following Village Board Meetings:
Workshop Meetings
November 8, 2010
January 10, 2011

Regular Meeting
November 8, 2010
January 10, 2011
- b. Total **Expenditures** (Payroll and Vouchers) - \$1,204,523.96
The vouchers were reviewed by Trustee Cooper prior to the meeting.
- c. Recommendation of Village President Pfefferman that Michael Morange be appointed to the **Building Board of Appeals** for a term ending December 31, 2012.
- d. **Resolution No. 11-02**, a Resolution Clarifying the Appeal Process from the Local Liquor Commissioner and Effecting Section 3-19-18 of the Village Code.
- e. **Ordinance No. 5915-VC**, an Ordinance to Amend Section 9-5-3 (Schedule C; Stop Intersections) of the Village Code of the Village of Glen Ellyn, Illinois Regarding Traffic Control at Surrey Drive and Briar Street.
- f. **Resolution No. 11-03**, a Resolution to Obtain Permits to Perform Work on State Highways.

Upon roll call on the Consent Agenda, Trustees Cooper, Comerford, Hartweg, Henninger, Ladesic and Thorsell voted "Aye". Motion carried.

Ordinance No. 5916 – 980 Oxford Road – Side Yard Setback Variations and Impervious Surface

Planning and Development Director Staci Hulseberg presented information on a request by Christopher and Nancy Desmond for an ordinance granting four variations from the Glen Ellyn Zoning Code to allow the construction of a gazebo, outdoor fireplace and patio that do not meet the minimum required side yard setbacks and an impervious surface area that exceeds the maximum permitted impervious surface area in the rear yard.

Trustee Ladesic moved and Trustee Comerford seconded the motion that Ordinance No. 5916 be passed, an Ordinance Approving Variations from the Side Yard Setback and Impervious Surface Area Requirements of the Zoning Code to Allow a Gazebo, Outdoor Fireplace and Patio Accessory Structures for Property at 980 Oxford Road, Glen Ellyn, Illinois.

Upon roll call, Trustees Ladesic, Comerford, Cooper, Hartweg, Henninger and Thorsell voted "Aye." Motion carried.

Ordinance No. 5917 – 538 Prince Edward Road – Lot Coverage Ratio and Rear Yard Setback Variations

Building and Zoning Official Joe Kvapil presented information on a request by Jeff and Anne Lange for an ordinance granting two variations from the Glen Ellyn Zoning Code to allow the construction of a one-story addition with a lot coverage ratio of 20.6 percent in lieu of the maximum permitted lot coverage ratio of 20 percent, and to allow a rear yard setback of 39.6 feet in lieu of the minimum required setback of 40 feet.

Trustee Ladesic moved and Trustee Comerford seconded the motion that Ordinance No. 5917 be passed, an Ordinance Approving Variations from the Lot Coverage Ratio and Setback Requirements of the Zoning Code to Allow an Addition to the Existing Single-Family Home for Property at 538 Prince Edward Road, Glen Ellyn, Illinois.

Upon roll call, Trustees Ladesic, Comerford, Cooper, Hartweg, Henninger and Thorsell voted "Aye." Motion carried.

Ordinance No. 5918-VC – Amend Fire Sprinkler Requirements

Planning and Development Director Staci Hulseberg presented information on the amendment which requires fire sprinklers to be installed in the remodeled area of one-and two-family dwellings and townhouses when the hard cost of remodeling work exceeds \$300,000. The 2009 ICC International Fire Code currently requires fire sprinklers to be installed throughout an existing home and in the remodeled area when the hard cost of remodeling work exceeds \$200,000.

Craig Cudzilo, 275 Hillside, spoke against requiring fire sprinklers for remodeling projects, but if necessary, he was in favor of amending the threshold in the fire sprinkler code from \$200,000 to \$300,000.

Jamie Simoneit, 722 Hillside, spoke in favor of amending the fire sprinkler code giving the remodeling costs at 504 Hillside as an example.

Ken Kloss, 350 Ridgewood, asked about outdated information in the Village Code regarding water service necessary for fire sprinklers. It was explained that options are available using pressure loss analysis.

Trustee Henninger moved and Trustee Thorsell seconded the motion that Ordinance No. 5918-VC be passed, an Ordinance Amending the Fire Sprinkler Requirements of Chapter 2 of Title 5 (Fire Regulations) of the Village Code of the Village of Glen Ellyn, Illinois.

Upon roll call, Trustees Henninger, Thorsell, Comerford, Cooper, Hartweg and Ladesic voted "Aye." Motion carried.

Braeside Area Localized Drainage Improvements Project

Professional Engineer Bob Minix presented information regarding the Braeside Area Localized Drainage Improvements Project. The project would install storm sewers, inlets and catch basins in rear-yard utility easements in a portion of the Braeside Subdivision located north of Roosevelt Road and east of I-355. Previously, the drainage project unsuccessfully sought Community Development Block Grant (CDBG) funds. A funding opportunity has recently presented itself in the form of the state-run "IKE-PT" Infrastructure Program targeting improvements in declared disaster areas due to flooding in 2008. To satisfy application requirements, two resolutions are required to formally affirm project support and pledge adequate funds to cover the local share of expenses. Total estimated project cost is \$760,000 with 75 percent (\$570,000) in grant funds sought for the project. Village costs will be split with \$50,000 from this year and the balance from the FY 11/12 budget.

Trustee Cooper moved and Trustee Thorsell seconded the motion that the following resolutions be passed:

- A. **Resolution No. 11-04**, a Resolution Authorizing the Submission of an Application to the Illinois Department of Commerce and Economic Opportunity for the CDBG "IKE" Disaster Recovery Public Infrastructure (IKE-PI) Program in the Amount of \$570,000 to Aid in the Funding of the Braeside Area Localized Drainage Improvements Project.
- B. **Resolution No. 11-05**, a Resolution Committing Local Funds in the Amount of \$190,000 to Aid in the Funding of the Braeside Area Localized Drainage Improvements Project.

Upon roll call, Trustees Cooper, Thorsell, Comerford, Hartweg, Henninger and Ladesic voted "Aye." Motion carried.

Reminders

- The next Regular Village Board Meeting is scheduled for Monday, February 14, 2011 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business

Interim Village Manager Burghard explained that he has been working with the Village of Lombard to schedule a mutually agreeable date and time for a joint meeting to discuss an intergovernmental agreement policy and procedure issues. He asked the Village Board to check their calendar for a potential date that that would replace a regular Village Board or Workshop meeting to discuss Glenbard Wastewater Authority. The Village of Lombard has suggested February 21, 2011. This is a reschedule of the January 31 meeting. The Village Board agreed to meet in Lombard on February 21.

Adjournment

At 9:05 p.m., Trustee Hartweg moved and Trustee Henninger seconded the motion that the Regular Meeting of the Village Board be adjourned to Executive Session for the purpose of discussing the purchase or lease of real property, adjourning thereafter without returning to open session. Upon roll call, Trustees Hartweg, Henninger, Comerford, Cooper, Ladesic and Thorsell voted "Aye". Meeting adjourned.

Respectfully Submitted,

Suzanne R. Connors
Village Clerk

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
January 17, 2011

Time of Meeting: 7:00 p.m.

Present: President Pfefferman; Trustees Comerford, Hartweg, Ladesic, and Thorsell; Village Clerk Connors. Trustees Henninger and Cooper were excused.
Staff present: Interim Village Manager Burghard, Schrader, Hulseberg, Noller, Perrigo.

1. Call to Order

President Pfefferman called the Board Workshop to order at 7:00 p.m. with a roll call. Trustees Comerford, Hartweg, Thorsell, and Ladesic responded "Here." Trustees Cooper and Henninger were excused.

2. Public Comments

President Pfefferman encouraged all residents to take time to vote for the steam engine to make a stop in Glen Ellyn on its way from Iowa. Today is the last day to vote. To cast a vote, go to the Village website which will provide the link.

Carol White, Temporary Executive Director of the Temporary Downtown Glen Ellyn Alliance, spoke about the Spa Hop scheduled for Tuesday, February 8, from 9 a.m. until 6 p.m. Eleven Glen Ellyn spas are participating. Further information is available on the downtownglenellyn.com website.

3. Fire Sprinkler Discussion

Planning and Development Director Staci Hulseberg gave background information regarding proposed fire sprinkler regulations. In 1997 the Village began to evaluate the need for fire sprinklers in single-family homes. This evaluation concluded in 2001 with the adoption of detailed regulations effective in 2002. She explained the current Village Code that followed is based on the International Fire Code. The Village adopted the International Fire Code of 2009 and amended it in October 2010 to include the Village's sprinkler requirements which had been in place. A concern was expressed that \$200,000 in hard costs for the remodeled area was too low and that the amount should be raised. The Building Board of Appeals recommended the proposed amendment be \$300,000 in hard costs for just the remodeled area. Ms. Hulseberg gave examples of non-hard costs and surveys found that no recent remodeling projects in the Village would have exceeded the \$200,000 in hard costs. Four insurance companies in Glen Ellyn were contacted

regarding possible premium increases due to water damage, but none indicated that there would be an increase. Based on all information gathered, it is recommended that sprinklers be required only in the remodeled area of the home up to \$300,000 in hard costs. Once hard costs exceed \$300,000, sprinklers be required throughout the entire home.

Jay Simonize, BF Studio, spoke about the insurance coverage depending on the quality of the insurance policy's fine print.

Volunteer Fire Chief Raffensparger spoke in favor of fire sprinklers and the amount of water necessary to extinguish a fire – sprinklers vs fire department hose

Ret. Volunteer Fire Chief Stone spoke in favor of keeping the hard costs at \$200,000

Ken Kloss, 350 Ridgewood, spoke against sprinklers because possible mold remediation and long list of recalls

Chris Clark, Fire Marshall, Volunteer Fire Company, spoke regarding the size of water service for sprinkler systems and in favor of sprinkler systems.

Mark Simon, 690 Grand, spoke about the cost that was more than anticipated and a one time incident when a sprinkler did a lot of damage

John Wachter, 670 Kenilworth, spoke against sprinklers asking how many remodeling projects are over or under the \$200,000 and how often the fire department has to pull a hose into a residence.

Jamie Simoneit, 722 Hillside, spoke in favor of raising the hard costs to \$300,000, but thought it should include the cost of labor.

Robert Friedberg, 641 Pleasant, spoke in favor of increasing the hard costs to \$300,000.

After discussion and questions by the Village Board, it was agreed that staff would prepare an ordinance incorporating suggested changes for the January 24, 2011 meeting.

4. January 24, 2011 Village Board Meeting Agenda Review

7a. Staci Hulseberg, Planning and Development Director, presented information concerning homeowner request for variations for a gazebo, outdoor fireplace and a patio at their property at the NW corner of Scott & Oxford (980 Oxford). At their meeting on November 23, 2010, the Zoning Board of Appeals by a vote of 6 yes and 1 no, recommended approval. The Village Board was in favor.

8a. Joe Kvapil, Building and Zoning Official, presented information regarding a homeowner request for two variations at their property at 538 Prince Edward. They wish to construct a one-story addition which exceeds the lot coverage ratio and rear yard set back. At their meeting on December 14, 2010, the Zoning Board of Appeals unanimously recommended approval. The Village Board was in favor.

9a. Interim Public Works Director Jeff Perrigo presented information concerning a possible community development block grant available in the amount of \$570,000. The grant would assist in a project to relieve flooding by installing catch basins, storm sewers, and inlets in the Braeside Area. The Braeside Subdivision is north of Roosevelt Road

and east of I-355. This is in response to extensive flooding in 2008. The application is due January 31, 2011. Two resolutions necessary to complete the application will be prepared for the next Village Board meeting.

5. General Fund Update

Acting Finance Director Larry Noller gave a brief overview of the General Fund status. In the past two weeks he has been meeting with departments discussing the General Fund. The General Fund is one of 14 Village funds, but provides most of the services. Thus far for FY 10/11, revenues and expenses are very close to being on budget. Expenses are about 3% below budget for the third quarter. Overall, with the goal of balancing the budget this fiscal year, some items may have to be deferred. It is anticipated that a draft of the FY 11/12 budget will be ready for Village Board review by March 7 and that most of March 2 will be spent in budget review. The first Special Village Board Workshop is scheduled for March 7. Mr. Noller explained that the Special Programs Fund will be changed this year. At the recommendation of the Finance Committee last year, the Special Programs Fund will be merged with the General Fund. The Finance Committee thought the merger would be more efficient and allow the Village Board more time to concentrate on other parts of the budget. The Special Funds workshop will be eliminated and instead Special Funds will be considered with the General Fund. What would normally be the workshop for Special Funds will be a workshop set aside for other budget items such as water/sewer, refuse, and enterprise funds. Mr. Noller presented the preliminary budget meeting calendar. A second round of meetings with department managers will begin in the next week.

6. Other Items?

None.

7. Adjournment

At 8:44 p.m., Trustee Comerford moved and Trustee Ladesic seconded a motion to adjourn to executive session for purposes of discussing the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, adjournment thereafter without returning to open session. All voted "Aye." Meeting adjourned.

Submitted by:

Suzanne R. Connors,
Village Clerk

A-6A₄

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
November 15, 2010

Time of Meeting: 7:00 p.m.

Present: President Pfefferman; Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic, Thorsell; Acting Village Clerk Utterback
Staff: Village Manager Jones, Schrader, Noller, Caracci, Hulseberg, Norton, Attorney Diamond

1. Call to Order.

President Pfefferman called the meeting to order at 7:00 p.m.

2. Public Comments.

President Pfefferman congratulated Glenbard West and Glenbard South High Schools on performing amazing musicals over the weekend. He also announced that the League of Women Voters is hosting a meeting at the Civic Center this coming Thursday at 7:30 p.m. to discuss the Illinois Fiscal Crisis.

3. Review of November 22, 2010 Village Board Meeting.

Trustee Thorsell requested removing Item C from the Consent Agenda (Motion to accept the recommendation of Village President Pfefferman that Michael Morange be appointed to the Building Board of Appeals for a term ending December 31, 2012) because she felt a conflict of interest situation could occur with the appointment of a staff member who would potentially review decisions he made in the field. President Pfefferman stated that the item will be moved to the regular agenda. Planning and Development Director Hulseberg responded to President Pfefferman that, per code, the BBA requires one of its members to be a staff member, and she offered to prepare a report for the Village Board this week regarding BBA membership. President Pfefferman requested a history of appeals in that report. Hulseberg added that Mr. Morange was the Chairman of the Electrical Commission for many years. Hulseberg explained for President Pfefferman that in addition to BBA members reviewing codes and amendments, there might also be an instance where they are asked to review an appeal regarding a decision made by the Building and Zoning Official. Trustee Thorsell stated that there had been conflict of interest on the Electrical Commission regarding decisions. Trustee Henninger added that the challenge is filling the BBA position with a qualified Village employee.

7. Acting Finance Director Larry Noller presented information on five Special Service Area taxing districts which apply to commercial properties along the

Roosevelt Road corridor (3), in the downtown Central Business District (1), and at Stacy's Corners (1). These SSAs provide partial funding for the operations of the Glen Ellyn Economic Development Corporation and are as follows: SSA #13 in the amount of \$55,600, SSA #14 in the amount of \$127,500, SSA #15 in the amount of \$5,700, SSA #16 in the amount of \$3,000 and SSA #17 in the amount of \$800. Noller stated that the SSAs have been renewed indefinitely. The SSAs have an authorized maximum tax rate of 15 cents per \$100 of assessed value, and the EDC Board has recommended to maintain the tax rate of 12-1/2 cents for the operations for the coming year, which is the same tax rate as the past 7 years. Noller displayed a chart indicating how the proposed tax levies at the 12-1/2 cent rate were calculated assuming a rate of growth in the assessments of 5% for 2010 over 2009. Noller stated staff is recommending a total levy of \$193,000, however, with the assumption being slightly inflated for budget purposes, the amount collected will probably be approximately \$185,000. Manager Jones commented that if the rate was raised from 12-1/2 cents to 15 cents within the downtown SSA, an additional \$10,500 would be available that could be used to fund snow plowing in the downtown or provide additional funding for the downtown organization. President Pfefferman requested that Noller prepare sample bills for small, medium and large SSA payers based on 12-1/2% and 15%. Trustee Thorsell suggested trying to determine the interest of the downtown business/property owners regarding paying for snow removal, etc., at this time. Manager Jones added that last year the EDC mailed a survey to the downtown businesses who responded that they were interested in snow removal but were not willing to pay for it. Public Works Director Caracci responded to President Pfefferman that the downtown business owners have not been contacted via a "walk-around" regarding snow removal. Trustee Cooper clarified that the "walk-around" that had been discussed previously related to self-compliance. Trustee Ladesic stated that more information should be collected from the downtown business owners and suggested that this issue could be the first charge of the downtown organization. Trustee Cooper stated that after extensive discussions a few months ago, the Board had agreed not to increase taxes or expenditures any further, and he was reluctant to revisit this issue so soon after that decision. Trustees Henninger and Hartweg agreed with Trustee Cooper. Manager Jones stated that this levy would be for next fiscal year. Trustee Comerford inquired if an economic development SSA can be used for operating expenses. Noller responded that the ordinance approving the economic development SSAs includes "and other services" in the Special Service Area. Trustee Ladesic was in favor of gathering information regarding the possibility of making cuts for snow removal rather than increasing taxes. President Pfefferman summarized that a decision needs to be made whether the Board is in favor of using the potential revenue. Trustee Henninger was in favor of gathering information and considering increasing the funding for the downtown organization, and other Trustees agreed with that recommendation. Trustee Henninger suggested delaying this SSA to allow for further discussion at a subsequent workshop, and Noller responded that this SSA could be moved back with the regular levy on December 13. The Board agreed to delay this SSAs for discussion at a future date.

8. Acting Finance Director Larry Noller presented information on two Special Service Area taxing districts which only apply to unincorporated areas to the north and south of the Village limits that are served by the Glen Ellyn Volunteer Fire Company. The purpose of these SSAs is to levy a special tax to help defray the costs related to providing fire protection and other emergency services to these areas. These SSAs were established in November, 2009, following a statutorily prescribed public notice and hearing process and are as follows: SSA #18 in the amount of \$104,018 and SSA #19 in the amount of \$93,063. Noller stated that prior to the establishment of these SSAs, fire services to unincorporated areas have been provided largely without contribution from the property owners which means the Village was subsidizing services to unincorporated homeowners. Noller stated that these two SSAs comprise 6.75% and 6.04% of the total special service area, and he described the levy calculation formula. Noller stated that the tax levy rates for last fiscal year for this area were at 8-1/2 to 9 cents and the rates for next fiscal year are expected to be similar to last year. Noller responded to Trustee Henninger that the topic of ambulances is expected to be reviewed at a future Village Board Workshop. The Village Board intends to proceed with this item at the Regular Meeting next week.

9. Acting Finance Director Larry Noller presented information related to a special property tax in the amount of \$96,000 which applies only to property owners in portions of the Lambert Farms Subdivision who are located within the Special Service Area Number 12 taxing district. Noller explained that this SSA was established to construct a public sanitary sewer system in the Lambert Farms area that was previously served by private septic systems. This SSA is intended to repay the Village for a low-interest loan in the amount of \$1.5 million that funded the improvements. This is the 5th year of the 20-year loan period. The Village Board intends to proceed with this item at the Regular Meeting next week.

10. Planning and Development Director Staci Hulseberg presented information on the request of Royal Glen LLC, owner of property located at 1200 Roosevelt Road, for approval of a special use permit for a private school in accordance with Section 10-4-15(B)15 of the Glen Ellyn Zoning Code. The request is being made to allow Northwood University to occupy 2,500 square feet in the existing 50,025 square-foot, four-story office building on the property. Hulseberg described the location of the building and displayed an aerial photograph as well as photographs of the building. Hulseberg stated that Northwood University moved into their current location approximately two months ago and promptly complied when they were informed by staff that an application for a special use permit application needed to be submitted. Hulseberg explained that the university offers adult level college courses and she described class sizes and class hours, which are off-peak from the office uses that occupy the building. The Plan Commission held a public hearing for approval of a special use permit for Northwood University on October 28, 2010, and approval was recommended by a vote of 9-1 subject to conditions. The Village Board intends to proceed with this item at the Regular Meeting next week.

11. Planning and Development Director Staci Hulseberg presented information regarding a proposed amendment to the Glen Ellyn Sign Code to allow shopping centers comprised of 6.5 acres or more to display light pole banner signs. Hulseberg stated that last year the Village Board approved a sign code amendment that permits car dealerships to display banners on light poles and that the owners of Market Plaza Shopping Center have requested an amendment to the Village Sign Code that would allow private banners on their parking lot light poles. Hulseberg stated that staff is in favor of an amendment to the Sign Code to allow regional shopping centers that are 6.5 acres or more in size to display private banners. She stated that Market Plaza, Pickwick Place and Baker Hill shopping centers would be eligible to have light pole signs and that the banners would draw attention to the centers and would be used as additional identification. Hulseberg stated that four members of the Architectural Review Commission expressed support for this proposed amendment. Hulseberg responded to President Pfefferman that the College of DuPage currently has some banners on their sign poles that are not allowed per code. President Pfefferman suggested including COD in the proposed amendment to allow banners on their light poles, and Hulseberg responded that she will review that possibility. Trustee Cooper also suggested possibly including other schools in the proposed amendment as well as the office buildings east on Roosevelt Road. He also questioned why the proposal is limited by type of usage and not size of usage, and Hulseberg responded acreage could be used but she wanted to research who/what would be included if acreage is the criteria. Hulseberg also commented that if the banners are used too widely, they will lose their effectiveness and the streetscape could have a cluttered appearance. Hulseberg stated she will research all suggested locations for the possibility of banners on their light poles.

12. Planning and Development Director Staci Hulseberg presented information on a proposed amendment to the Zoning Code that would require decorative displays to be placed in ground floor storefront windows of vacant commercial buildings in the C5A and C5B Zoning Districts. This is an initiative discussed in the Downtown Strategic Plan and was recommended by the Transitional Downtown Advisory Committee. Hulseberg stated that this item was brought before the Village Board on September 13, 2010, however, was removed from the agenda at the request of the Chamber of Commerce. Based on comments from the Chamber and the Village Attorney, a revised version of the amendment has been prepared for Village Board review. Hulseberg added that input was also requested from the downtown property owners, however, no feedback was received by staff. Hulseberg responded to Trustee Ladesic that an advertising sign without merchandise will be permitted in a storefront window. Also in response to Trustee Ladesic, Hulseberg agreed to remove the word "nearby" from the text with regard to merchandise on display from other stores. Hulseberg responded to Trustee Henninger that there will be no requirement for a certain level of quality regarding a stand to bring merchandise up to the window level. Trustee Hartweg suggested some type of review of the windows to be sure that a display has not become outdated, and

Hulseberg stated she could add "current holiday displays" to the text. The Village Board intends to proceed with this item at the Regular Meeting next week

4. Finance Director Larry Noller again presented information regarding the proposed 2010 Village property tax levy. Noller stated that the Finance Commission reviewed the Village's practice of voluntarily imposing a State tax cap on the general operating levy, which is a means of limiting reliance on property taxes, and recommended to continue voluntarily imposing the tax cap for the 2010 levy. Noller displayed and described a recap of the levy which is recommended to maintain the operating levy at 4.2 percent for the general operating levy. Noller estimated that the total net cost would be approximately \$28.00 for a \$500,000 home. Trustee Cooper commented that the Finance Commission compared ten peer home rule communities and Glen Ellyn is the only community that maintains the tax cap. Trustee Henninger stated that an update of the library's projections will be forwarded to the Village Board this week. At President Pfefferman's request, Noller stated that the Finance Commission has asked to review the capital operating portion of the levy in order to have a better understanding of that portion of the levy. Noller stated that a public hearing is scheduled for December 6 with the final adoption planned for December 13.

5. Other items?

Trustee Thorsell requested updated information from Public Works Director Joe Caracci regarding snow. Caracci responded that Public Works is in the process of gathering quotes.

6. Adjournment.

At 8:06 p.m. Trustee Hartweg moved, seconded by Trustee Ladesic, to adjourn to Executive Session for the purpose of discussing pending litigation without returning to open session. All Trustees voted "aye."

Submitted by,



Barbara Utterback
Acting Village Clerk

MEMORANDUM

TO: Terry Burghard, Interim Village Manager

FROM: Staci Hulseberg, Director of Planning and Development
Michele Stegall, Village Planner *MHS*
Andrew Letson, Planning Intern *AL*

SHW

A-6c

DATE: February 8, 2011

FOR: February 14, 2011 Regular Village Board Meeting

SUBJECT: Board and Commission Membership

Background. On January 10, 2011, the Village Board approved Ordinance 5914 which, among other things, amends the membership requirements for the Building Board of Appeals in the Village Code to require members to reside, own property or work within the Village limits. In doing research for the aforementioned Ordinance, the Planning and Development team found that only one Village Commission, the Civic Center Commission, requires its members to be residents of the Village.

Issues. The lack of a residency requirement has been an issue for at least one commission in recent history. A member of the Architectural Review Commission moved out of the Village and did not resign from the commission. In addition, eight out of ten of the surrounding communities we surveyed have a residency requirement for board and commission members. A residency requirement increases the credibility of the Village's boards and commissions and ensures that the people making recommendations to the Village Board have a stake in the welfare of the Village.

The Planning and Development team has drafted a text amendment which would amend the membership section for every board and commission to require that commissioners either reside, own property or work in the Village.

From time to time, there may be an individual with a set of skills that would be valuable to a board or commission, but who lives outside of the Village. To address this issue, the text amendment includes a provision that would allow the Village President to waive this requirement in situations that s/he deems necessary.

While conducting the aforementioned research, the team found that the section regarding the Zoning Board of Appeals (ZBA) is missing from the Village Code. The Code refers the reader to Ordinance 3617, which created the ZBA. In an effort to create a more uniform code, the team is proposing to insert the provisions for the ZBA contained in Ordinance 3617 into the Village Code instead of referring the reader to Ordinance 3617.

In an effort to promote consistency in the various sections of the Village Code, the membership section for the Building Board of Appeals will also be amended to include similar language as the other boards and commissions. The Building Board of Appeals section is also being amended to

change the quorum requirement so that there is never a situation where only two members can make a decision for the group. As currently written, the Fire Chief and the village staff person are not allowed to vote on appeals; however they do count toward the required four members necessary to constitute a quorum. The amendment changes the quorum requirement so that a quorum can only be reached if a majority of eligible voters are present at a meeting.

Upon completing an initial draft of the text amendment, the planning team requested comments from the Village Attorney and the staff liaisons. Comments from these individuals have been integrated into the final version of the text amendment.

Action Requested. The Village Board is being asked to consider a text amendment to amend Section 2 of the Village Code to require that members of boards and commissions reside, own property or work within the Village limits.

Attachments: Ordinance
Board and Commission Membership Text Amendment

CC: Stewart Diamond, Village Attorney
Board and Commission Staff Liaisons
Patti Underhill, Administrative Services Coordinator

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Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Amending Title Two of the Village Code
Regarding Membership Requirements
for Boards and Commissions
in Glen Ellyn, Illinois 60137**

**Adopted by the
President and Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
this _____ day of _____, 20_____.**

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this _____
day of _____, 20_____.

Ordinance No. _____

**An Ordinance Amending Title Two of the Village Code
Regarding Membership Requirements
for Boards and Commissions
in Glen Ellyn, Illinois 60137**

Whereas, for many Glen Ellyn boards and commissions, the Village Code does not require members to reside, own property or work within the Village limits; and

Whereas, a residency requirement would increase the credibility of the Village's boards and commissions and ensure that the individuals making recommendations to the Village Board have a stake in the welfare of the Village; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn have deemed it in the best interest of the Village to require members of boards and commissions to reside, own property or work within the Village except in certain extenuating circumstances.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: Section 2 of the Village Code shall be amended as set forth in Exhibit "A" attached hereto to require members of boards and commissions to reside, own property or work within the Village limits.

Section Two: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ____ day of _____, 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____).

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Bold = New text being added

~~Strikethrough~~ = Current text being deleted

Membership Text Amendment

2-1-1: APPOINTMENT:

A board of fire and police commissioners, consisting of three (3) members shall be appointed by the president, by and with the advice and consent of the board of trustees. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-4-3: COMMISSION MEMBERSHIP:

(A) Appointment: The plan commission shall consist of eleven (11) members shall be appointed by the president, by and with the advice and consent of the board of trustees, to serve without compensation. A member of the board of trustees to be appointed by the president shall serve as an ex officio, nonvoting member for a term of two (2) years. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-6-3: COMMISSION MEMBERSHIP:

(A) Appointment: The capital improvements commission shall consist of nine (9) members shall be appointed by the president, by and with the advice and consent of the board of trustees, to serve without compensation. A member of the board of trustees to be appointed by the president shall serve as an ex officio nonvoting member for a term of two (2) years. Also, the village manager and/or assistant to the village manager, the public works director, and the professional engineer shall be ex officio nonvoting members of the commission. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-7-3: BOARD MEMBERSHIP:

(G) Membership: The Building Board of Appeals shall consist of seven (7) members who are qualified by experience or training to review matters pertaining to building, mechanical, electrical, plumbing or fire protection construction. The members of the Board shall have some experience or education in one or more of the following:

Builder/developer/general contractor.

Building inspector.

Engineer/architect.

Mechanical/electrical/plumbing/fire protection contractor.

Or related field.

Five (5) of the members shall be appointed by the Village President ~~from Village residents or persons that work or own property within the Village.~~ The remaining two (2) members of the Board shall consist of a Village Staff Member from the Building or Facilities Maintenance Division and the Fire Chief or another officer of the Fire Company. Neither of these two members can serve as a Chair or Vice-Chair of the Board, and neither of them shall take any role in appeals brought under Section 2-7-5(B). Their activities shall be limited to the review of amendments and recommendations under Section 2-7-5(A). ~~Members must maintain Village residency, or employment within the Village, or property ownership within the Village or their membership status may be revoked.~~ **All board members shall reside, own property, or work in the Village. The Village President may choose board members with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-7-4: MEETINGS:

(C) Quorum: The presence of a majority of the board members then in office shall be necessary to constitute a quorum to transact ~~any~~ board business **identified in Section 2-7-5(A)** at any regular or special meeting of the board.

The presence of a majority of the board members then in office, and not excluded by Section 2-7-3(G), shall be necessary to constitute a quorum to transact board business identified in Section 2-7-5(B) at any regular or special meeting of the board.

2-8-3: COMMISSION MEMBERSHIP:

(A) Appointment: The architectural resources commission shall consist of nine (9) members shall be appointed by the president, by and with the advice and consent of the board of trustees, to serve without compensation. A member of the board of trustees to be appointed by the president shall serve as an ex officio nonvoting member for a term of two (2) years. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-9-3: COMMISSION MEMBERSHIP:

(A) Appointment: The civic center commission shall consist of five (5) ~~residents of the village members~~ appointed by the village president, with the approval of a majority of the board of trustees, to serve without compensation. Appointments shall begin on January 1 and shall end on December 31. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-10-3: COMMISSION MEMBERSHIP:

(A) Appointment: The community relations commission shall consist of nine (9) members appointed by the village president, with the approval of a majority of the board of trustees, to serve without compensation. All appointments which would expire on May 31, 1987, shall expire on December 31, 1986. Thereafter, all appointments shall begin on January 1 and end on December 31. A member of the board of trustees to be appointed by the president shall serve as an ex officio nonvoting member for a term of one year. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-11-3: COMMISSION MEMBERSHIP:

(A) Appointment: The environmental commission shall consist of nine (9) members shall be appointed by the president, by and with the advice and consent of the board of trustees, to serve without compensation. A member of the board of trustees to be appointed by the president shall serve as an ex officio nonvoting member for a term of two (2) years. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-12-3: COMMISSION MEMBERSHIP:

(A) Appointment: The recreation commission shall consist of seven (7) members shall be appointed by the president, by and with the advice and consent of the board of trustees, to serve without compensation. A member of the board of trustees to be appointed by the president shall serve as an ex officio nonvoting member for a term of two (2) years. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-13-3: COMMISSION ON GLEN ELLYN LANDMARKS:

(A) Creation, Membership; Terms:

1. There is hereby continued in existence the historic preservation commission of the Village of Glen Ellyn, which commission shall be empowered to recommend the designation of historical and architectural landmarks within the village in compliance with the powers and duties enumerated herein. The commission shall consist of nine (9) members appointed by the president with the approval of a majority of the board of trustees, to serve without compensation, except that the members of the historic preservation commission as it existed at the time of enactment of this chapter shall continue as members of said commission. Thereafter, an effort shall be made to select as members persons who are professionals in the disciplines of history, architecture, historic architecture, planning, archaeology, real estate, historic preservation, or related fields, or who have demonstrated special interest, knowledge or experience in architecture, history, neighborhood preservation, or related disciplines. A member of the board of trustees to be appointed by the president shall serve as an ex officio, nonvoting member for a term of two (2) years. The village president, with the advice and consent of a majority of the village board, shall designate one of the members as chairman. The chairman shall be appointed annually in January of each year. A secretary, who is not a member of the commission, shall be provided by the manager's office. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

Chapter 14: ZONING BOARD OF APPEALS

~~2-14-1: BOARD CREATED: There is created by ordinance 3617-Z a zoning board of appeals; and the powers, duties and responsibilities of that board shall be provided in the said zoning ordinance, all parts of which are incorporated in and made part of this code by reference.~~

2-14-1: CREATION OF BOARD: There is hereby created a Zoning Board of Appeals, which shall be advisory to the Village Board on all matters assigned to it, except appeals from any final order, requirement, decision or determination made by an administrative official charged with enforcement of the Zoning Code.

2-14-2: INTENT AND PURPOSE: It shall be the intent and purpose of the Zoning Board of Appeals to perform those functions required by the Illinois Revised Statutes or the Glen Ellyn Zoning Code with reference to the administration and enforcement of all zoning ordinances and codes of the Village.

2-14-3: COMMISSION MEMBERSHIP:

(A) Appointment: The Zoning Board of Appeals shall consist of seven (7) members with the advice and consent of a majority of the Board of Trustees, to serve without compensation. All of the members shall be from within the corporate limits of the Village. All

appointments shall begin on January 1 and end on December 31. All board members shall reside, own property, or work in the Village.

(B) **Terms:** Each member shall serve for a term of five (5) years, which term shall be so arranged so that the term of no more than two (2) members shall expire in any one (1) year.

(C) **Vacancies:** Vacancies on the Board during a term shall be filled for the unexpired term of the member whose place has been vacant in the same manner in which original appointments are required to be made.

(D) **Removal:** A Board member may be removed by a majority vote of the Village President and Board of Trustees for nonperformance of duty, misconduct or other good cause.

(E) **Chairman:** The Village President with the advice and consent of a majority of the Village Board shall designate one of the members of the Board to be chairman. The chairman shall be appointed annually in January of each year.

(F) **Secretary:** The Board shall have a secretary who is not a member of the Board, and shall be provided by the Manager's office.

2-14-4: MEETINGS:

(A) **Regular Meetings:** Regular meetings shall be monthly on a day certain as determined by the chairman of the Board.

(B) **Special Meetings:** Special meetings of the Board may be called by the chairman from time-to-time. Members of the Board must receive notice not less than forty-eight (48) hours prior to a special meeting. Notice of said special meeting must be posted in the Civic Center not less than forty-eight (48) hours before said meeting. Special meetings may also be called by the written requires of any two (2) members of the Board. Such written request shall be received by the chairman no less than five (5) days prior to the requested date of meeting.

(C) **Public Hearings:** Public hearings are to be held when necessary, after due and prior notice given in the manner specified in the Zoning Code or in the Illinois Revised Statutes.

(D) **Quorum:** The presence of four (4) Board members shall be necessary to constitute a quorum to transact any business at any regular or special meeting of the Board, including the conduct of a public hearing.

(E) **Manner of Acting:** The act of a majority of the members of the Board shall be the act of the Board.

(F) Rules of Procedure: The Board shall enact rules of procedure not inconsistent with ordinances or statutes that further enhance the purposes of the Board.

2-14-5: DUTIES:

(A) To establish a time for and conduct public hearings on and make written findings of fact and recommendations to the Village Board concerning applications for variation, in the manner prescribed by and subject to the standards established in the Zoning Code;

(B) To hear and decide appeals from any final order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Code;

(C) To hear and decide all matters referred to it by the Village Board or upon which it is required to act under the Zoning Code, or as prescribed by the applicable provision of the Illinois Revised Statutes.

2-14-6: REPORTS AND RECORDS

(A) The Board shall keep permanent records and minutes of its meetings, showing the vote of each member upon each topic submitted to it.

(B) The Board shall prepare and submit minutes of each meeting to the Village Board in a timely manner.

(C) The Board shall provide for the services of a court reporter to prepare and submit in a timely manner a verbatim transcript of all public hearings. This transcript shall be submitted to the Village Board along with the Board's recommendations, in all cases where the Board does not have jurisdiction to make a final administrative decision.

(D) All recommendations submitted to the Village Board shall be in writing.

(E) The Board shall file an annual report with the President and Board of Trustees setting forth its transactions and recommendations on December 31 of each year.

(F) A minority report may be attached to any majority recommendation to the Village Board.

2-15-3: COMMISSION MEMBERSHIP:

(A) Appointment: The technology advisory commission shall consist of seven (7) members shall be appointed by the president, by and with the advice and consent of the board of trustees, to serve without compensation. Initial membership of the commission shall consist of the current members of the cable communications commission as of its dissolution and creation of this commission plus sufficient members to fill the newly created commission. All appointments by

the president, shall serve as an ex officio nonvoting member. Also, the village administrator/manager, or his designee, shall be an ex officio non voting member of the commission. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

2-16-3: COMMISSION MEMBERSHIP:

(A) Appointment: The finance commission shall consist of seven (7) members shall be appointed by the president, by and with the advice and consent of the board of trustees, to serve without compensation. All appointments shall begin on January 1 and end on December 31. A member of the board of trustees to be appointed by the president shall serve as an ex officio, nonvoting member for a term of two (2) years. In addition, the village manager and/or finance director shall be ex officio non voting members of the commission. **All commissioners shall reside, own property, or work in the Village. The Village President may choose commissioners with special knowledge or special interest in the Village of Glen Ellyn who are not currently residing, property owners, or working within the Village.**

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**PLANNING & DEVELOPMENT DEPARTMENT
INTEROFFICE MEMORANDUM**

A-6D

TO: Terry Burghard, Interim Village Manager
FROM: Staci Hulseberg, Director of Planning and Development
DATE: February 8, 2011
SUBJECT: Independent Contractor's Agreement with Carol White

Background

In October 2010, the Village Board passed Resolution 10-23 (attached) which authorized the establishment of a Transitional Downtown Organization (TDO). The Resolution set forth responsibilities for the TDO including, among other things, the hiring of a temporary full-time Executive Director. The TDO interviewed candidates and selected Carol White to serve as the temporary Executive Director through April 30, 2011.

Issues

The Village Attorney advised that the TDO should hire Ms. White as an independent contractor and should enter into an agreement with her. The attached agreement has been reviewed by the Finance Department and the Village Attorney's office and has been approved by the TDO Board.

The Village Attorney has also advised that since the members of the TDO Board were appointed by the Village Board, they are not considered a private independent organization from the Village. They are actually considered a commission or committee of the Village. Therefore, the Village must enter into the contract with Carol White.

Action Requested

A motion authorizing the Village President to execute an Independent Contractor's Agreement with Carol White.

Attachments

- Resolution 10-23 Establishing a Transitional Downtown Organization
- Independent Contractor's Agreement with Carol White

C: Stewart Diamond, Village Attorney
Larry Noller, Interim Finance Director
Janet Avila, TDO President
Carol White, TDO Temporary Executive Director

Resolution 10-23

**Resolution Establishing a
Transitional Downtown Organization**

Whereas, on October 26, 2009, the Village Board approved Ordinance 5811, which adopted a Downtown Strategic Plan for the Village of Glen Ellyn; and

Whereas, one of the recommendations in the Downtown Strategic Plan is the creation of a new downtown organization; and

Whereas, on November 24, 2009 by the adoption of Resolution 09-30, the Village Board extended the term of the Downtown Advisory Committee who played an integral role in the development of the Downtown Strategic Plan for the purpose of researching and advising the Village Board on the creation of a new downtown organization and this group became known as the Transitional Downtown Advisory Committee; and

Whereas, the Transitional Downtown Advisory Committee forwarded a report and recommendation to the Village Board regarding the creation of a new downtown organization, which recommendation was discussed by the Village Board at workshop meetings on May 17, 2010, July 19, 2010 and September 10, 2010; and

Whereas, the Village Board finds that it is in the best interest of the Village to establish a transitional downtown organization as recommended by the Transitional Downtown Advisory Committee which shall be in place through April 30, 2011 after which, the Village Board will determine if the organization shall continue as an independent organization; and

Whereas, the Transitional Downtown Advisory Committee has recommended that the transitional downtown organization board be comprised of members of the Transitional Downtown Advisory Committee who are familiar with the Downtown Strategic Plan and the

expected roles and responsibilities of the new downtown organization and members of the Downtown Glen Ellyn Alliance which organization is set to dissolve on December 31, 2010 and is familiar with and has been responsible for sponsoring numerous downtown events; and

Whereas, the Village President has chosen seven (7) members from the Downtown Advisory Committee and Downtown Glen Ellyn Alliance to serve on the transitional board of the new downtown organization.

Now, Therefore, be it Resolved by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers as follows:

Section One. The Village Board hereby creates a new transitional downtown organization that shall be responsible for marketing and promoting the downtown as a place to shop and visit, coordinating and sponsoring downtown events and acting as an ombudsman for downtown business owners, property owners and residents.

Section Two: The transitional downtown organization shall also be responsible to:

1. Select officers and establish a meeting schedule;
2. Select an organization name;
3. Select a temporary full-time Executive Director;
4. Establish insurance, bank accounts, and non-profit status;
5. Create a website for the organization;
6. Finalize the by-laws and determine voting requirements of ex officio members;
7. Identify necessary sub-committees and select members for committees;
8. Seek paid memberships;
9. Prepare a job description for an executive director;
10. Develop a one year action plan for presentation to the Village Board;
11. Prepare a draft annual budget for Village Board consideration; and
12. Continue marketing and event planning.

Section Three. The transitional downtown organization shall be comprised of the following individuals:

1. Janet Avila – Downtown Glen Ellyn Alliance and Downtown Retailer;
2. Jessica Pekny – Downtown Glen Ellyn Alliance and Downtown Retailer;
3. Sue Cleary – Downtown Glen Ellyn Alliance and Downtown Retailer;

4. Jennifer Kinser – Downtown Glen Ellyn Alliance and Downtown Banker;
5. Pat Melady – Transitional Downtown Advisory Committee, downtown property owner and downtown office business owner;
6. Beth Howley – Transitional Downtown Advisory Committee and Village resident; and
7. Jim Meyers – Transitional Downtown Advisory Committee, former President of the Glen Ellyn Economic Development Corporation and Village resident.

The following organizations will be requested to appoint voting ex officio members to the Board of the new downtown organization:

1. Chamber of Commerce;
2. Glen Ellyn Economic Development Corporation; and
3. Village of Glen Ellyn.

Section Four. The transitional downtown organization shall appoint a President from among the board members and shall appoint any other officers that it sees fit.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this

25 day of October, 2010.

Ayes: Hartung, Gloseel, Comerford, Cooper, Heaninger, Loheser

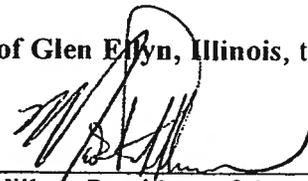
Nays: - 0 -

Absent: - 0 -

Abstentions: - 0 -

Approved by the Village President of the Village of Glen Ellyn, Illinois, this 25 day

of October, 2010.


 Village President of the
 Village of Glen Ellyn, Illinois

Attest:

Katherine B. Beuerle
 Deputy Village Clerk of the
 Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 26 day of October, 2010).

INDEPENDENT CONTRACTORS AGREEMENT

THIS AGREEMENT entered into by and between CAROL WHITE of 286 N. Park Boulevard, Glen Ellyn, Illinois 60137, hereinafter referred to as the "Contractor"; and VILLAGE OF GLEN ELLYN, 535 Duane Street, DuPage County, Glen Ellyn, Illinois 60137, hereinafter referred to as the "Village."

In consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration received and to be received, the parties hereby agrees, as follows:

1. Contractor will be performing the work identified on the attached Description of Services, incorporated herein as Exhibit A. Contractor may have subcontractors or one or more employees engaged in the performance of said work. Contractor will report to, seek approval of, and take direction from the Board of the Transitional Downtown Organization and the Downtown Glen Ellyn Alliance. Contractor will report to the Transitional Downtown Organization President for day-to-day matters.

2. The Contractor shall serve at the pleasure of the Transitional Downtown Organization Board and the Downtown Glen Ellyn Alliance. The Contractor or her employees, representatives or subcontractors are in no sense employees of the Village, it being specifically agreed that in respect to the Village, the Contractor and any party employed by the Contractor bears the relationship of an independent contractor. The Village will provide a Form 1099 to the Contractor for the compensation paid to Contractor. The compensation to the Contractor shall be \$800 per week for the term of this contract. The Contractor is expected to work, an average of 40 hours per week to implement the tasks required under this Agreement.

3. To comply with all applicable laws, regulations and rules promulgated by any Federal, State, County, Municipal and/or other governmental units or regulatory body now in effect or which may be in effect during the performance of the work. Included within the scope of the laws, regulations and rules referred to in this paragraph but in no way to operate as a limitation, are all forms of traffic regulations, public utility and Intrastate and Interstate Commerce Commission regulations, Worker's Compensation Laws, Prevailing Wage Laws, the Social Security Act of the Federal Government and any of its titles, the Illinois Department of Human Rights, Human Rights Commission, or EEOC statutory provisions and rules and regulations.

4. To protect, indemnify, hold and save harmless and defend the Village against any and all claims, costs, causes, actions and expenses, including but not limited to attorney's fees incurred by reason of a lawsuit or claim for compensation arising in favor of any person, including the employees or officers or independent contractors or subcontractors of the contractor or Village, on account of personal injuries or death, or damages to property occurring, growing out of, incident to, or resulting directly or indirectly from the performance by the Contractor hereunder, whether such loss, damage, injury or liability is contributed to by the negligence of the Village or by premises themselves or any equipment thereon whether latent or patent, or from other causes whatsoever, except that the Contractor shall have no liability or damages or the costs incident thereto caused by the sole negligence of the Village.

5. To furnish any affidavit or certificate, in connection with the work covered by this Agreement as provided by law.

6. To indemnify the Village for any loss it may sustain by theft or other cause from the acts or negligence of the employees of the Contractor or of the subcontractors.

This Agreement shall be in effect from the 17th day of November, 2010 until the 30th day of April, 2011, inclusive, but it can be cancelled by either party on seven (7) days' prior written notice.

IN WITNESS WHEREOF, THE PARTIES have executed this Agreement this _____ day of _____, 20_____.

VILLAGE OF GLEN ELLYN

By _____
Title

Date _____

CAROL WHITE

Carol White

Date 2-8-2011

EXHIBIT "A"

Description of Services EXECUTIVE DIRECTOR for Temporary Downtown Organization (TDO) November 17, 2010 – April 30, 2011

The Executive Director is an independent contractor that reports to the TDO president on day-to-day tasks and serves at the approval of the TDO board. This person will complete the following tasks and any others assigned by the TDO Board and President and the Downtown Glen Ellyn Alliance.

Administrative

- Prepare and maintain budget for TDO; update monthly
- Develop a timeline for TDO tasks
- Recruit members to the organization and develop opportunities for involvement
- Become a central ombudsman for downtown business and property owners. Identify and address business issues and opportunities; communicate to EDC concerning relocation, expansion and closure issues
- Attend TDO, Village Board, EDC Board and Chamber Board meetings as requested by the President and TDO Board
- Draft job description for Executive Director of the permanent Downtown Organization for review and approval of the President and Board
- Draft bylaws for permanent Downtown Organization for review and approval of the President and Board
- Draft a proposed budget proposal for the permanent downtown organization to submit to the Village
- Prepare documentation necessary to register the permanent downtown organization with all appropriate Federal, State, and local entities that will become effective May 1, 2011.
- Prepare to obtain appropriate tax numbers for May 1, 2011.

Marketing

- Draft marketing plan for events and general shopper attraction January 2011 through April 2011. Execute plan at discretion and with approval of President and Board
- Draft marketing plan for events and general shopper attraction for May 2011 through April 2012

- Serve as a marketing resource for new and existing businesses
- Maintain a website and social media for downtown Glen Ellyn
- Write monthly Shoppers Newsletter

Events

- Plan and execute events November 17 2010 – April 30 2011, including hiring vendors, obtaining permits, purchasing supplies, and supervising all activities prior to and during event.
- Solicit feedback at the conclusion of an event and create wrap up report
- Review downtown events, ensuring they meet the needs and wants of the downtown.
- Propose and develop additional events as needed or eliminate events if they are not beneficial to the overall downtown.
- Draft event schedule for permanent Downtown Organization starting May 1, 2011

Strategic Planning

- Build effective relationships with downtown business owners, downtown property owners, downtown residents, the Village, the Glen Ellyn Chamber of Commerce, the EDC and other relevant groups within the community.
- Identify any unaddressed needs of downtown stakeholders and determine whether those needs would be appropriately addressed by the permanent Downtown Organization in May 2011 through April 2012.
- Identify ways to work cooperatively with the EDC to ensure effective business attraction.
- Work with the Board to develop an annual action plan for the permanent May 2011 through April 2012 and implementation strategies for the top priorities defined in the plan

MEMORANDUM

TO: Terry Burghard, Interim Village Manager

FROM: Staci Hulseberg, Director of Planning and Development
Andrew Letson, Planning Intern *AL*

DATE: February 9, 2011

FOR: February 14, 2011, Regular Village Board Meeting

SUBJECT: 825 N. Main Street Demolition

A-6E

Background. On September 27, 2010, the Village Board authorized the purchase of the former Marathon gas station located at 825 N. Main Street. The Village closed on the purchase of the property on September 30, 2010. Since that time the Village engaged Anderson Environmental Consulting to complete the environmental remediation for the site. We have also been working toward the demolition of the existing structure on the property.

The team requested quotes from seven demolition companies for the Marathon site. Since there has been discussion regarding the possible demolition of 2 other structures in the vicinity, the Carey House at 553 Geneva Road and the King Property at 810 N. Main Street, we requested quotes for those structures as well. We anticipated that there might be cost savings to demolish multiple structures in close proximity to one another. However, we have found that the cost savings for these multiple demolitions is minimal. Ace's Demolition offered a discount of \$500 if the Village were to hire them for the demolition of two structures (553 Geneva Road and 825 N. Main Street).

Three companies responded to the request: Ace's Demolition, Midwest Site Services and Active Excavating and Wrecking.

Issues. The Planning and Development team contacted the Historical Society who was surprised by the high amount of the quote to demolish the Carey House. At this time, we would recommend moving forward with the Marathon Gas Station property and seeking new quotes for the Carey House in the future.

Once a quote is accepted for the demolition, the Planning and Development Department will supervise the contractor and oversee the demolition work on the site.

Action Requested. The attached chart outlines the quotes that were received. The Planning and Development team is requesting that the Village Board consider and accept the lowest quote, which was provided by Ace's Demolition at a cost of \$24,825, for the demolition of 825 N. Main Street. A copy of a contract for this amount is attached.

Attachments: Request for Quotes
Demolition Quotes Tables
Ace's Demolition Quote and Contract for 825 N. Main Street
Ace's Demolition Quote and Contract for 553 Geneva Road

CC: Jeff Perrigo, Interim Public Works Director
Michele Stegall, Village Planner
Bill Peterson, Glen Ellyn Historical Society

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Main\Main 825 N., Demolition\Marathon Building Demolition VB
Agenda Item 1-14-11.docx

Request for Quotes

The Village of Glen Ellyn is requesting quotes for the demolition of buildings located on three properties. The properties are located at 825 N. Main Street, 553 Geneva Road and 810 N. Main Street. Please submit separate quotes for each property. Also, please break down the costs into separate line items as designated below. Please indicate if there will be any cost savings if the Village were to hire your company for two or all three of the projects.

If you have already submitted quotes for the aforementioned properties, please resubmit quotes in the format requested and including the items found below. The Planning and Development Department would like to apologize for any inconvenience; however, we would like to ensure that we are comparing quotes for the same services.

Please provide a completed quote for **810 N. Main Street no later than Tuesday November 16, 2010.**
Please provide a completed quote for **825 N. Main Street and 553 Geneva Road no later than Friday November 19, 2010.**

Quotes may be submitted through e-mail. Please submit any quotes for 810 N. Main Street to micheles@glenellyn.org. Please submit any other quotes to aletson@glenellyn.org.

Below you will find the services we are requesting.

825 N. Main Street*- Commercial Structure

- Removal of building and all concrete and asphalt on the site;
- Disconnection from all utilities;
- Temporary disconnect from the water line (unless it is already disconnected);
- Temporary disconnect from the sanitary sewer line;
- St. Charles Road apron removed and restoration of curb with appropriate county permits;
- Test and removal of asbestos, plus meet all State of Illinois requirements for asbestos;
- Removal and appropriate disposal of Freon from all air conditioner units;
- Obtain all local and state permits and perform any required notifications of demolition;
- Watering during demolition with water meter connection to hydrant per Village Code;
- Proper disposal of all materials from site;
- 6 foot chain link fencing around site; and
- Topsoil, grade, seed and straw.

*Be advised that the soil at this property is contaminated. We are not requesting that you remove any contaminated soil. However, you should be aware of its condition.

553 Geneva Road - Residential structure

- Removal of building including all concrete and asphalt;
- Disconnection from utilities;
- Permanent disconnect from the water line to St. Charles Road (county permit is required);

- Removal of apron, pour and restore curb (County permit required);
- Test and removal of asbestos, plus meet all State of Illinois requirements for asbestos;
- Removal and appropriate disposal of Freon from all air conditioner units;
- Obtain all local and state permits and perform required notification of demolition;
- Watering during demolition with water meter connection to hydrant per Village Code;
- Proper disposal of all materials on site;
- 6 foot chain link fencing;
- Topsoil, grade, seed and straw.

810 N. Main Street – 3 demolition options

1. Commercial and residential structure (detached garage remains)

- Removal of building including all concrete and asphalt;
- Disconnection from utilities;
- Temporary disconnection from sanitary sewer and water lines;
- Test and removal of asbestos, plus meet all State of Illinois requirements for asbestos;
- Removal and appropriate disposal of Freon from all air conditioner units;
- Obtain all local and state permits and perform required notification of demolition;
- Watering during demolition with water meter connection to hydrant per Village Code;
- Proper disposal of all materials on site;
- 6 foot chain link fencing;
- Topsoil, grade, seed and straw.

2. Residential structure (commercial structure and detached garage remains)

- Removal of building including all concrete and asphalt;
- Disconnection from utilities;
- Temporary disconnection from sanitary sewer line;
- Test and removal of asbestos, plus meet all State of Illinois requirements for asbestos;
- Removal and appropriate disposal of Freon from all air conditioner units;
- Obtain all local and state permits and perform required notification of demolition;
- Watering during demolition with water meter connection to hydrant per Village Code;
- Proper disposal of all materials on site;
- 6 foot chain link fencing;
- Topsoil, grade, seed and straw.

3. Garage only

- Removal of building including all concrete and asphalt;
- Disconnection from utilities;
- Permanent disconnect from the water line (unless it is already disconnected);
- Test and removal of asbestos, plus meet all State of Illinois requirements for asbestos;
- Removal and appropriate disposal of Freon from all air conditioner units;

- Obtain all local and state permits and perform required notification of demolition;
- Watering during demolition with water meter connection to hydrant per Village Code;
- Proper disposal of all materials on site;
- 6 foot chain link fencing;
- Topsoil, grade, seed and straw.

825 N. Main Street (Marathon)

Demolition Quotes			
Aces Demolition	Active Excavating & Wrecking Inc.	Midwest Site Services	
Removal of building including all concrete and asphalt	\$14,800	\$13,950	\$15,600
Disconnection from utilities	\$725	Included	\$300
Temporary disconnect from water line	\$550	\$2,300	\$350
Temporary disconnect from sanitary sewer line	\$550	\$1,500	\$350
St. Charles Road apron removed and restoration of curb	\$2,800	\$10,400	\$6,500
Test and removal of asbestos, plus meet all State of IL requirements for asbestos*	\$200	Does not do testing, but has a company when needed	\$800
Removal and appropriate disposal of Freon from all air conditioner units	Included	\$2,550	\$350
Obtain all local and state permits and perform required notification of demolition	Included	\$2,650	\$2,500
Watering during demolition with water meter connection to hydrant per Village Code	Included	Included	\$400
Proper disposal of all materials on site	Included	Included	Included
6 foot chain link fencing	Included	\$3,800	\$1,500
Topsoil, grade, seed and straw	\$5,200	\$8,775	\$4,200
Total	\$24,825	\$45,925	\$32,850

*Midwest-Test only

*Aces-survey + \$15 per bulk sample/lab analysis

553 Geneva Road

Demolition Quotes			
	Aces Demolition	Active Excavating & Wrecking Inc.	Midwest Site Services
Removal of building including all concrete and asphalt	\$9,800	\$11,700	\$10,150
Disconnection from utilities	\$725	\$1,500	\$300
Permanent disconnect from water line	\$4,200	\$2,850	\$2,500
Removal of apron, pour and restore curb	\$2,200	\$3,750	\$2,500
Test and removal of asbestos, plus meet all State of IL requirements for asbestos*	\$200	Does not do testing, but has a company when needed	\$800
Removal and appropriate disposal of Freon from all air conditioner units	Included	\$2,550	\$350
Obtain all local and state permits and perform required notification of demolition	Included	\$2,225	\$2,500
Watering during demolition with water meter connection to hydrant per Village Code	Included	Included	\$400
Proper disposal of all materials on site	Included	Included	Included
6 foot chain link fencing	Included	\$3,800	\$1,200
Topsoil, grade, seed and straw	\$2,650	\$3,780	\$3,900
Total	\$19,775	\$32,155	\$24,600

*Midwest-Test only

*Aces-survey + \$15 per bulk sample/lab analysis



Village of Glen Ellyn
Andrew Letson
630.547.5246
aletson@glenellyn.org

January 18th, 2011
#707 & 708 revised

JOB: Old Marathon Gas Station - 825 N. Main Street, Glen Ellyn, IL

SCOPE OF WORK: Demolition and proper removal of debris per plans and specifications, including obtaining all necessary state & local permitting for demolition, provide 6' chain link fencing around site, removal and appropriate disposal of Freon from all air conditioner units, disconnection of all utilities, temporary disconnection from water line (unless it is already disconnected) and sanitary sewer line, asbestos survey and laboratory bulk analysis (if asbestos is identified, ACES will provide additional cost for removal), demolition and removal of commercial structure with associated footings, foundations, slabs, concrete & asphalt lot around structure, watering during demolition with water meter connection to hydrant per Village Code, backfilling with clay/dirt to grade, topsoil, grade, seed & straw.

BID PRICING:
\$14,800.00 – Old Marathon Gas Station demolition – 825 N. Main Street
\$5,200.00 – dirt 6" pulverized top soil, seed & straw
\$725.00 – gas utility disconnection
\$1,100.00 – water/sewer at parkway; temp. dis. water/sanitary sewer line
\$2,800.00 – county permit, St. Charles Rd. apron removal, curb restoration
\$200.00 – asbestos survey + \$15.00 per bulk sample/laboratory analysis

Note: Aces Demolition can provide a \$500 discount if awarded demolition on both properties (825 N. Main Street & 553 Geneva Road, Glen Ellyn, IL)

ACES DEMOLITION agrees to furnish all labor, tools, and equipment necessary to do the work as listed above. ACES DEMOLITION will maintain General Liability Insurance with a combined single limit of \$2,000,000.00 and a \$5,000,000.00 umbrella. Certificate of Insurance will be issued upon acceptance, and a signed return receipt of signed proposal. Special requests for additional insured are available at a fee of \$150.00/per person. ACES DEMOLITION will do the aforesaid demolition for the above sum payable to ACES DEMOLITION as follows: UPON COMPLETION.

ACCEPTANCE

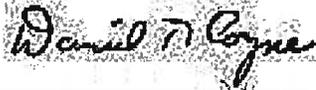
_____, owner of the building described above, or owner's duly authorized agent, hereby accepts and agrees to the above proposal, and warrants to ACES DEMOLITION that _____ has the right to do so, and to authorize the work done as described above and in accordance with the above-described terms. Unless accepted within thirty (30) days from the date hereof, this proposal is null and void. Please contact Todd Coyne with any questions at 630.965.2091 or Daniel Coyne at 630.965.7383.

Owner/Agent

Daniel T. Coyne

Aces Representative

Signature

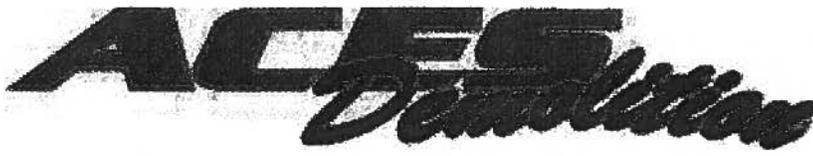


Signature

Title Date

President 1-18-2011

Title Date



Village of Glen Ellyn
Andrew Letson
630.547.5246
aletson@glenellyn.org

January 18th, 2011
#707 & 708 revised

JOB: 553 Geneva Road, Glen Ellyn, IL

SCOPE OF WORK: Demolition and proper removal of debris per plans and specifications, including obtaining all necessary state & local permitting for demolition, provide 6' chain link fencing around site, removal and appropriate disposal of Freon from all air conditioner units, disconnection of all utilities, permanent disconnection of of water line to St. Charles Road (including county permit), removal of apron, pour and restoration of curb (including county permit), asbestos survey and laboratory bulk analysis (if asbetosos is identified, ACES will provide additional cost for removal), demolition and removal of residential structure with associated footings, foundations, concrete, slabs, & asphalt, watering during demolition with water meter connection to hydrant per Village Code, backfilling with clay/dirt to grade, topsoil, grade, seed & straw.

BID PRICING:
\$9,800.00 – demolition of residential structure – 553 Geneva Road
\$2,650.00 – dirt 6” pulverized top soil, seed & straw
\$725.00 – gas utility disconnection
\$4,200.00 – county permit, perm. disconnect water line to St. Charles Rd.
\$2,200.00 – county permit, remove apron, pour and restore curb
\$200.00 – asbestos survey + \$15.00 per bulk sample/laboratory analysis

ACES DEMOLITION agrees to furnish all labor, tools, and equipment necessary to do the work as listed above. ACES DEMOLITION will maintain General Liability Insurance with a combined single limit of \$2,000,000.00 and a \$5,000,000.00 umbrella. Certificate of Insurance will be issued upon acceptance, and a signed return receipt of signed proposal. Special requests for additional insured are available at a fee of \$150.00/per person. ACES DEMOLITION will do the aforesaid demolition for the above sum payable to ACES DEMOLITION as follows: UPON COMPLETION.

ACCEPTANCE

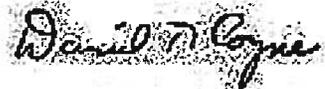
_____, owner of the building described above, or owner’s duly authorized agent, hereby accepts and agrees to the above proposal, and warrants to ACES DEMOLITION that _____ has the right to do so, and to authorize the work done as described above and in accordance with the above-described terms. Unless accepted within thirty (30) days from the date hereof, this proposal is null and void. Please contact Todd Coyne with any questions at 630.965.2091 or Daniel Coyne at 630.965.7383.

Owner/Agent

Daniel T. Coyne

Aces Representative

Signature



Signature

Title Date

President 1-18-2011

Title Date

Interoffice Memorandum

A-6F

to: Terry Burghard, Interim Village Manager
from: Jeffrey D. Perrigo, Interim Public Works Director
for: February 14, 2011 - Village Board Meeting
subject: Branch and Brush Pickup Services Extension
date: February 09, 2011

During the November 08, 2010, Village Board Workshop, then-Public Works Director Caracci brought forth a recommendation to extend the Village's Branch and Brush Pickup Service with Kramer Tree Service for another three years (2011-2013). The contract extension was the only item for discussion at that workshop and the minutes of the meeting are attached for your review. Noted in the minutes was that five of the Board's Trustees supported the recommendation of the then-Director to waive the competitive bidding requirement and extend Kramer's contract based on their past performance and the steady pricing for the next three years.

We are seeking formal approval of the Board to commence with the contract extension.



To: Steve Jones, Village Manager
From: Joe Caracci, Public Works Director
Date: October 28, 2010
Re: Branch and Brush Pickup Service -

Background

The Village has provided a branch and brush pick-up program since 1999 serving all attached homes with 2 units and detached single-family homes. The once-a-month pickup program has been a huge success with the residents as they appreciate the convenience of parkway brush pickup. The program has also eliminated the need for staff to discern whether brush left on the parkways is from public or private trees. Our contractor collects and disposes of all brush less than 10" diameter. Monthly pickups are divided into two weeks with Hill Avenue serving as the dividing line. The program begins in May and concludes in October of each year. The funds used to pay for this service come from revenues generated through monthly billings to residents as part of their residential waste pickup. The average monthly charge to the residents for this service is \$1.53.

For the past ten years, Kramer Tree Specialists has performed the program with great success. They originally entered into a three year contract with the Village for service in 2001 through 2003. In each of the next four years, Kramer offered to extend their unit pricing with no increase. The Village was happy to accept this offer. In 2008, the Village Board requested that we go back out to bid for a new three-year contract in order to gauge the competitive market. Two contractors submitted proposals with Kramer Tree Specialists providing the lowest cost by 30%. This past year, in response to the Village's initiative to seek cost reductions from our vendors, Kramer Tree Service reduced their 2010 monthly costs to the Village by \$500. This in essence kept their pricing static from 2009 to 2010. Attached to this memorandum is a summary of the Branch and Brush collections, by month, for the past ten years.

Issues

Kramer Tree Specialists has recently completed their latest contract and have provided a proposal for a new three-year contract. The proposed contract has them starting at the planned 2010 rates (prior to their rate reduction) and utilizing the flat rate monthly charge pricing. Their proposal is as follows:

2011	\$22,500 per month (6 months)	Total Cost \$135,000
2012	\$22,800 per month (6 months)	Total Cost \$136,800
2013	\$23,150 per month (6 months)	Total Cost \$138,900

Kramer Tree Specialists has performed this contract for us for 11 of the 12 years we have offered the contract. They are intimately aware of all of the requirements and expectations. They have utilized the same foreman on their crew since 1999. Their quality and service have been nothing short of spectacular and our residents have become accustomed to their procedures. They have streamlined the collection process over the years that have actually led to reductions in cost per cubic yard of collection. The average cost per cubic yard during the last three year contract (combined) was \$34.67 which is less than that charged in 2003 through 2007 of \$34.89.

Oversight and management of the contract is minimal at best. Public Works manages the invoicing while Administration basically handles the customer service calls. Customers reporting missed pickups are handled immediately without question.

Kramer has become a partner with the Village of Glen Ellyn during storm events as well. Even though our contract calls for a unit price for emergency collections, Kramer has consistently charged the lower of the unit price and time and material price. Our professional relationship with Kramer Tree Specialists is second to none.

The impacts on our homeowners would be as follows:

2010 current	\$1.53 / month	\$18.36 / year
2011	\$1.56 / month	\$18.72 / year
2012	\$1.58 / month	\$18.96 / year
2013	\$1.61 / month	\$19.32 / year

Action Requested

Public Works would like to move forward with a recommendation to enter into a three-year contract with Kramer Tree Specialists for the 2011 – 2013 Branch and Brush Pickup Contract. As the value of this contract would require competitive bidding, we are seeking the Village Board's willingness, under its Home Rule Authority, to waive competitive bidding on this contract. Should the Village Board be willing to exercise this authority, we would bring forward a formal recommendation and contract at a future date.

Recommendation

I recommend the Village Board utilize their Home Rule Authority and waive competitive bidding on this contract.

Attachments

- Supplemental Attachment (Pros and Cons)
- Summary Spreadsheet of Program Costs (2001 – 2010)

**Supplemental Agenda Information
Village of Glen Ellyn**

Agenda Item Supplemented by Commentary

- X Pros & Cons
 - Strategic Action Goal
 - Downtown Strategic Plan Goal
- X Budget Impact/Return on Investment
 - Process Improvement
 - Green Initiative
 - Communication Initiative
 - Safety/Liability/Risk Assessment
 - Comparable Community Info
 - Other

Comments:

Pros / Cons : waiving competitive bidding and considering a contract with Kramer Tree Specialists

Pros	Cons
Existing contractor has successfully performed the contract 11 of 12 years	May (or may not) get a better price for the program
Eliminates the need to train a new contractor of the Village's expectations for the program	
Existing contractor requires very little if any oversight and management	
Existing contractor has extended prices or offered discounts in 5 of their 11 years	
Existing contractor is reliable	

Budget Impact / Return on Investment : The total proposed cost increase to the residents compared to the last three-year contract is \$2.50.

10/26/2010 07:47 FAX 630 293 7667

KRAMER TREE SPECIALIST

002

**Kramer Tree Specialists, Inc.**300 Charles Court
West Chicago, Illinois 60185

October 22, 2010

Mr. Joe Carracci
Director of Public Works
30 S. Lambert Road
Glen Ellyn, IL 60137

Dear Joe,

Kramer Tree Specialists, Inc. has provided the Village of Glen Ellyn with its Residential Brush Pick-up service since May 2001. We know the people of Glen Ellyn consider the brush collection program to be a very important service.

Our managers and our production workers are familiar with the level of service expected of us by Village Officials, staff members and citizens alike. Kramer Tree Specialists, Inc. has always met or exceeded those requirements and we value our relationship.

It is in that spirit that we offer a proposal for a three year continuation of the Village's Residential Brush Collection Program as follows:

2011 \$22,500.00 per month – Six months May through October – Total \$135,000.00
2012 \$22,800.00 per month - Six months May through October - Total \$136,800.00
2013 \$23,150.00 per month – Six months May through October – Total \$138,900.00

Thank you for considering our offer. We look forward to working with you again these next three years.

Sincerely,

Joseph Kramer
President

BRUSH AND BRANCH REMOVAL

2001 - 2010 COMPARISON

MONTH	2001	2002	2003	2004	2005	2006	2007	2008	2009	2009	2009	2009	2009	2009	2010	2010		
	CU YDS	COST																
May	675	\$22,093	610	\$20,636	720	\$24,821	690	\$24,074	630	\$21,981	655	\$22,853	736	\$25,679	638	\$21,400		
June	638	\$20,882	1,160	\$39,243	620	\$21,652	715	\$24,846	640	\$22,330	710	\$24,772	680	\$23,725	1005	\$21,400		
July	670	\$21,929	670	\$22,666	655	\$22,859	625	\$21,806	490	\$17,096	600	\$20,924	560	\$19,538	574	\$21,400		
August	682	\$22,322	590	\$19,960	585	\$20,411	600	\$20,934	520	\$18,143	570	\$19,887	480	\$16,747	862	\$21,400		
September	670	\$21,929	600	\$20,298	535	\$19,364	590	\$20,585	535	\$18,666	510	\$17,794	440	\$15,352	410	\$21,400		
October	640	\$20,847	645	\$21,920	605	\$21,109	560	\$19,538	515	\$17,968	620	\$21,632	460	\$16,050	495	\$21,400		
Total	3975	\$120,102	4275	\$144,623	3740	\$130,190	3780	\$133,783	3330	\$116,184	3665	\$127,862	3356	\$117,091	3984	\$128,400	4114	\$132,000

Fixed Rate	\$22,000 per month	Kramer Tree Service
Fixed Rate	\$21,400 per month	Kramer Tree Service
Fixed Rate	\$21,400 per month	Kramer Tree Service
Variable Rate	\$32.78 per cu.yd.	Kramer Tree Service
Variable Rate	\$34.89 per cu.yd.	Kramer Tree Service
Variable Rate	\$34.89 per cu.yd.	Kramer Tree Service
Variable Rate	\$34.89 per cu.yd.	Kramer Tree Service
Variable Rate	\$34.89 per cu.yd.	Kramer Tree Service

Minutes
Village Board Workshop
Glen Ellyn Village Board of Trustees
November 8, 2010

Time of Meeting: 7:00 p.m.

Present: President Pfefferman; Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic, Thorsell; Attorney Diamond; Acting Village Clerk Utterback
Staff: Village Manager Jones, Schrader, Caracci, Hulseberg, Noller, Norton, Pekarek

1. Call to Order.

President Pfefferman called the meeting to order at 7:00 p.m.

2. Branch and Brush Collection – Public Works Director Caracci.

Caracci stated that Kramer Tree Specialists has provided great branch and brush collection service to the Village for 10 of the past 11 years. Kramer's contract has recently been completed, and Public Works recommends continuing to use their services. Caracci stated Kramer has proposed a contract extension with very minimal increases over the next three years. He added that Kramer was one of Public Works' contractors who had offered to reduce their prices upon request last year and, therefore, their new contract prices this year would start where they would have been last year. Caracci stated at this time he is seeking approval from the Village Board to waive competitive bidding on this contract. Trustee Ladesic recommended requesting bids from other companies due to the state of the economy. Caracci responded to President Pfefferman that this contract went out for bid in 2008 to 5-10 selected companies, and Kramer and one other company that does some pruning and removal work for the Village responded to the bid. Caracci stated that Kramer's bid was lower than the other bid by 30%. Caracci responded to Trustee Thorsell that he believes one of the reasons for the lack of response to the bid was because Glen Ellyn does not allow chipping on site and some companies may not have the capability to chip off site. Regarding pricing, Caracci stated that the option was chosen to be charged a lump sum per month rather than a cubic yardage price. Trustee Cooper pointed out that there is an advantage to certainty regarding the set annual cost. Caracci responded to Trustee Henninger that Kramer's average unit cost for pick-up over the last three years is cheaper now than it was at the beginning of the 3-year contract due to streamlined processes. Trustee Comerford felt that the current system seems to be working well and that Kramer responds quickly during storm events. When Trustee Ladesic asked if there is a clause in the contract regarding response time during a storm event, Caracci responded that Kramer will respond upon request and that they are sometimes asked to assist later in the clean-up process. Caracci was unsure if there is a clause in the contract regarding response times. Trustee Henninger calculated that Kramer's

average increase in fees over six years, including the extension, is an average of 9/10th of a percent, and he felt that costs have been effectively controlled. Trustees Comerford, Cooper, Hartweg, Henninger, and Thorsell supported the recommendation to waive the bid process for this contract.

3. Other items?

There were no other items brought before the Village Board.

4. Adjournment.

At 7:14 p.m., Trustee Thorsell moved, seconded by Trustee Comerford, to adjourn to Executive Session for the purpose of discussing pending litigation. The motion carried unanimously.

Respectfully submitted,

Barbara Utterback
Acting Village Clerk

**GLEN ELLYN POLICE DEPARTMENT
MEMORANDUM**

A-66

TO: Phil Norton, Chief of Police
FROM: Bill Holmer, Deputy Chief of Police Operations *WH*
DATE: February 8, 2011
SUBJECT: **APPROVAL FOR DISPOSAL OF SURPLUS VEHICLE**

As you know, there are asset forfeiture laws that allow law enforcement agencies to seize vehicles and other property that is used in the commission of crimes. Once a seizure is approved by the court, ownership is transferred to the law enforcement agency. The rationale for these seizures is to deny offenders the "profits" of their illegal activity and, in some cases, place an additional burden that serves to correct their behavior. Offenses that allow for the possible seizure of vehicles range from homicide to burglaries to DUI (with special circumstances). Most of our vehicle seizures are related to multiple DUI offenders who do not have a license to drive. These seizures fall under 720 ILCS 5/36 (Article 36) – commonly referred to as "article 36 seizures", and they are treated differently from property seized in drug cases.

Most of the article 36 seizures that we are awarded are sold at auction for little value. Because the value is under \$10,000, those vehicles are disposed of under a surplus property declaration approved by the Village Manager. Those funds are then deposited into an account and used to fund the expenses related to towing and storing the vehicles; and, sometimes purchase law enforcement equipment when funds allow.

The Department was recently awarded a 2004 Infinity FX35 after the owner was involved in an accident. The owner's driver's license had been previously suspended for a DUI violation. The value of this vehicle is estimated at about \$15,000.

Because the value of the vehicle is over \$10,000 I am requesting approval from the Village Board to dispose of the property appropriately. We will auction the vehicle or sell it outright to CarMax. I will await your direction before proceeding.

If you have any questions, please let me know.

ETHICS RESOLUTION & ORDINANCE FEEDBACK

A-7

COMMENTS FROM VILLAGE MANAGEMENT

President Pfefferman is seeking feedback from **Village Management** regarding the ethics resolution and ordinance in general, as well as specifically about the topic of Village associates keeping a record of conversations regarding policy (Section 1-12-9(b)). Do you find this Section burdensome or doable? Other comments from Management are included as well.

- Conversation recording is not a feasible request.
- It would be more appropriate for the staff to just notify the Village Manager if they feel this is something that has occurred. I don't see the need for a separate log.
- I don't think this is going to happen very often so I don't think it will be burdensome.
- I do not feel that the proposed provision on maintaining a record of a conversation of a favor request is burdensome, because such conversations are rare.
- While the ordinance should legislate against the act of seeking favor, I don't think that the ordinance needs to legislate the specifics of how to report that act. I think our staff can do that appropriately without specific legislative instruction that might not be applicable to every situation. For example, a worker in the field might not be comfortable producing a written report and might prefer to make a report verbally to a supervisor, department manager or Village Manager. Any of those individuals could be charged with determining what information needs to be collected and put in writing. I don't think that the ordinance needs to say anything more than that staff should promptly report to a superior when they receive requests seeking favor.
- The proposed reporting requirement excludes by lack of mention favor requests from appointed members of commissions and non-department head staff, including the Village Manager and all other supervisors. I suggest that there be a single reporting requirement for a favor request received from anyone in a position of superiority, not just elected officials and department heads.

COMMENTS FROM VILLAGE EMPLOYEES

- **Ethics Resolution:**
 - Page 2, Section 2:** I think a comma should be there instead of a period (on the third line). Should the word 'village' be capitalized?
 - Page 2, Section 2:** Six Pillars of Character – add: Accountability. Maybe a better word for Caring would be compassion. A better word for Citizenship might be loyalty.
 - Page 2, Section 3** under Guidelines - comment: employees do a job, they are not a role model; Strike out bullet points 2,3,all of 5, 6, 8,9,10 and 11 and add: Communicating effectively
 - Page 4, Section 6:** add a bullet point: Regularly engage in personal matters or business during work hours – question: does this apply to Board members?
- Attachment A
- Attachment B
- Attachment C
- **Ethics Ordinance:**
 - Page 2, Section 1-12-3:** Civil Servant – at end of sentence add: or subcontractors
 - Page 3, Section 1-12-4:** Ethics Officer – A. There should be no salary for position. Can be absorbed by an existing employee or consultant; comment: In the case of employee, shouldn't

this be dealt with by manager as personnel issue? As it reads, these matters shall be decided by Board and manager may get involved. This whole section conflicts with Section A. As written, process to be used is unclear. Suggest amending Section A so more clear. Village Board acts on complaints against manager, elected officials, etc. Village manager acts on complaints regarding employees as personnel issue and may choose to involve Village Board/prosecutor.

Page 5, Section 1-12-5 – d: Nonappearance before – question: can they be in the room and just not speak? **e:** not appear or participate personally – question: can they attend the meeting and not speak?

Page 5, Section 1-12-6: Gift Ban: The Police Department and Public Works Department plan to continue the zero-tolerance policy for acceptance of gifts.

Page 6, Section 1-12-6: Exceptions – 7: question: what about these items from outside sources not the Village? **9:** This section could cause inspectors and officers conflict and should be deleted. **10:** comment: if presented at employee's department.

Page 7, Section 1-12-7 a.: Prohibited political activities – comment: must define prohibited political activities, also – comment: do we define this anywhere?

Page 7, Section 1-12-8: last line – comment: This is very broad particularly when FOIA is included. A strict reading would mean we couldn't share some preliminary development and engineering plans without prior authorization.

Page 8, Section 1-12-9 a: Use of Position to Influence Employment for Others – comment: is this legal?

Page 8, Section 1-12-9 d: Interaction Among Civil Servants – after Commission, Committees, Advisory Boards – add: Village staff;

Comment: Repeated activities of a personal nature on Village time.

COMMENTS FROM VILLAGE COMMISSIONERS/RESIDENTS

- The political activity prohibition is too broad.
- This is something that everyone should look at carefully. It is clearly written by the Village President and not Village staff. This is contractual language and is filled with indefinable terms that can have bad consequences. These documents are essentially contracts that we are beholden to and need some work as I see it. Language that is flamboyant and sounds great can really create more problems in the long run. After review it needs work – it blends employee and volunteer too much. To me both of these instruments are and should be directed at “volunteers” only and employees should not be mixed in.
- Typo on page 8 of the ordinance. Last line of third paragraph in Section (d). Should be “this” not “his.”
- I support the Ethics Ordinance as written because I think it clearly specifies what is acceptable and what is not for all work done for the Village. These standards establish a path to decisions made in the interest of the common good of the citizens of Glen Ellyn and not in the interest of individuals in positions of influence.
- My only criticism at this point is the fine, which I believe is too low. My understanding of human psychology dictates a fine that would discourage misbehavior. The fines as I see them would not do that.
- First let me say that I have no problem with the ethics concept since we should all act ethically in all our dealings but this ordinance could cause problems if it is poorly executed. As ___ and ___ pointed out these ordinances have to be clear and concise so that there are no vagaries present that could trip up the typical citizen. I see the law of unintended consequences coming

into play if a volunteer unknowingly commits an act that is considered unethical and is fined. How likely are others to devote their time to the Village under these circumstances? I know that we all are proud of the fact that the Village is run with many volunteers. Let's hope that a badly crafted ethics ordinance does not screw up a good thing.

- Codification of something like this seems unnecessary, but ... Surprised there wasn't something like this in place before. Should be in the employee handbook. Some of this may be troublesome: The problem sometimes is that what one person considers to be ethical conduct may not necessarily be what the next guy thinks. It looks good and if absolutely nothing else, is good PR. It is a necessary evil. We need to simplify more.
- If the requested goal is "clear concise communication" the ethics document should be the first example of that. Keep it simple.
- I am very supportive of the resolution and draft ordinance. I am frankly amazed that in 2011 the Village does not have this codified. Both non-profits and the corporate world are ahead of the Village on this, I believe. Please pass them, function according to them, and get on with business.
- I think you can't have too many safeguards in place in this day and age when it's every man for himself and the idea of public service for the public good seems to be a quaint notion of the past. Having a strong ethics ordinance in place will probably weed out people who would otherwise be seeking public office for nefarious reasons anyway.
- Thank you for including the Six Pillars of Character in the Resolution section.
- I am in favor of an ethics ordinance because the Village deserves to have one, as do its citizens, and the people who serve the Village as elected officials or staff. As a government employee myself, I take it for granted that I must meet the highest ethical standards as I carry out my duties. It is also very helpful to have specific guidance as I carry out my work. I was surprised to learn that the Village does not have an ethics ordinance.
- Typos: Resolution – Page 2, Section 2, third line – comma after word "execute; Page 3, Section 3, eliminate periods following bullet-point sentences; Page 3, Section 4, second line – customer service based should say resident-minded environment; Page 3, Section 5, eliminate periods following bullet-point sentences; Page 4, Section 6, eliminate periods following bullet-point sentences.
- Bonnie Gahr's spoke at the January 24 Village Board Meeting in favor of the ethics ordinance, and cited the letter from Ginger Wheeler with the League of Women Voters expressing their support of the ethics ordinance.
- Attachment D
- Attachment E
- Attachment F
- Attachment G
- Attachment H
- Attachment I
- Attachment J
- Attachment K
- Attachment L
- Attachment M
- Attachment N
- Attachment O

I am responding to your request for comments on the proposed Ethics Ordinance, primarily as an employee. In my role as staff liaison to the Capital Improvements Commission, I transmitted the ethics resolution and ordinance to the CIC, per your direction, and individual comments have been received from some of the commissioners. At the January 11, CIC regular meeting where the proposed ordinance was discussed, Chairman Jim Piszczek stated that he will put together a comprehensive, CIC-based reply; if he cannot get this accomplished, I will forward the individual comments to you prior to the end of the month.

A

Please note my employee-based comments, as follows:

- The proposed ordinance makes no reference to Village Code Section 1-7-22, which currently stands as the Village's ethics policy. This existing code section essentially adopts the state legislation. The state act covers much of the same ground as the proposed new ordinance. There needs to be a reconciling of the two.
- The grouping of employees, elected officials and all other Village volunteers as "civil servants" is cumbersome and ineffective. Why would this be done? The state act always refers to "employees and officers". I have no problems as an employee with the intent of the ordinance, but to try to group everyone together is particularly unfair to the volunteers. In my opinion, there should be three tiers of groups: elected officers, volunteers and employees. There might be a need to further sub-divide the volunteers into volunteer officers and simply volunteers, based on whether their positions are determined to be public offices.
- Applying the provisions of the Village Personnel manual to anyone other than employees (1-12-2) is ill-advised and inappropriate. If there are items from the manual that may be applicable, then place them specifically in the proposed ordinance.
- Section 1-12-7 is very employee-specific. First of all, I would think this would apply to all "civil servants". Secondly, if these are to be employee-specific, put them in the Personnel Manual instead of this ordinance. In fact, it would be my recommendation to include all employee requirements mentioned in this ordinance into the Manual if they currently are not contained therein.
- Section 1-12-8 is troubling in practice, especially as it pertains to permissible disclosure of information. I cannot envision the circumstances where someone other than the Village President, Village Board (acting in a public meeting) or Village Manager would be the first to disclose confidential or sensitive information, so why even make a provision for that when "authorization" to speak may be inadvertently or conveniently misinterpreted or assumed.
- Section 1-12-9 contains a lot of non-specific and generalized rules of conduct; it sounds good at first reading, but the more I look into it, the less sure I am about what one can/should and cannot do as an employee in the conduct of everyday business.
- Section 1-12-11 includes independent contractors as subject to this ordinance. This is in direct conflict with the state act that clearly differentiates between employees and independent contractors. If the Village really wishes this, then very specific definitions of what constitutes this subset of vendors needs to be developed and any solicitation of those vendors must include language that obligates them to the provisions of the ordinance.
- Section 1-12-12 appears to provide for lesser penalties than the state act, which is likely impermissible. In addition, are fine schedules applicable to employees? If so, they should be referenced in the Personnel Manual.

Ethics Ordinance Review Comments and Questions:

1. The term Personnel Manual is italicized in 1-12-2 but not in 1-12-4 A.
2. Define the term "conflict of interest"
3. The Personnel Manual is referenced for the investigation and resolution of an ethics complaint in 1-12-4(A). Add references in the Personnel Manual section 9.1 to include compliance with the Ethics Ordinance and section 9.2 for an ethics violation.
4. The Personnel Manual and the " Guidelines for Official Conduct" referenced in 9.7 of the Personnel Manual should be reviewed and amended to avoid conflicts or duplications and for consistency in terminology and requirements with the Ethics Ordinance.
5. 1-12-6,b,3 change the word "Act" to Ordinance.
6. 1-12-9,d third paragraph might be better located in section 1-12-1 Purpose.
7. 1-12-8 second paragraph should be in the definitions.
8. The terms "contractor, vendor and independent contractor" are used. A single defined term should be used that also includes consultants.
9. There is no provision to appeal or receive a hearing in response to a recommendation by the Ethics Officer. Should there be ?
10. Are ethics ordinance complaints or violations exempt from FIOA requests ?
11. Is the issuance of a building permit (transaction) by a permit clerk (civil servant) to a trustee (civil servant) a potential non financial conflict of interest (1-12-5,a,2) and must be disclosed by notification ?

2

Ethics Ordinance Comments

1. How do you address the interest one has in their own property if they live in the Village and serve the Village in any capacity? There can always be a hint of favoritism toward them, their neighborhood or relatives....
2. Ethics Officer – my impression is that the need for a full-time employee to administer the duties of the position is not warranted and the most inefficient means to approach the topic. A better option would be to retain a trained attorney/mediator/arbitrator to address the issues as they arise. My thought is that having another body that is intimately involved in the inner workings of the Village could be a detriment to that person being able to maintain impartiality and also creates the potential for a very tense internal working relationship.
3. 1-12-8 Confidential information should never be disclosed, even with authorization. A general approach would be if it's not 'FOIA-able', it's confidential and treated as such. Should authorization be granted, it should be in writing and not given orally, and it should be specific as to the permissible use of the information.
4. Generally speaking, we should not have people on the Board that have a vested interest in any other endeavor than to enhance the community.

Should a Board member who is the owner of an employment search firm be permitted to bid on the contract for finding our next Village Manager? I don't think that follows the spirit of the ordinance.

Should a Board member who is an attorney represent a homeowner in any type of dispute or in a situation where regulations are established? Again, it creates the appearance of impropriety and should not be permitted.

5. As far as the gift issue, the current policy of accepting 'no gifts' should remain the norm. The exception to this would be situations where a resident (not vendor/consultant) drops off a plate of brownies for the department to show their appreciation for a 'job well done.' Something similar to that would be acceptable. We need to use reasonable judgment. We should be able to abide by Nordstrom's old adage of **"Use good judgment in all situations. There will be no additional rules."**

Kristen Schrader

D

From:]m]
Sent: Tuesday, January 04, 2011 4:25 PM
To: villageofglenellyn@gmail.com
Subject: Ethics Ordinance

Thanks for sending these GE Newsletters. They are interesting and I appreciate the information and openness.

I did not see a form for "survey" response to the ethics ordinance, so I am simply sending this e-mail.

Observations:

1. I am definitely FOR an ethics ordinance. It is silly to say that we already have a gentleman's code in place.
2. The one proposed seems very long, but I'm sure it was carefully debated.
3. The sections which seem essential and particularly pertinent to me are sections 5 and 6. My concerns are and have been conflict of interest, political lobbying by staff or Trustees, and the terrible gossip that we have frankly seen in some members of the Board of Trustees. If saying "do not gossip; do not spread rumors; and do not divulge the issues that are discussed officially in private" needs to be stated, please state it. As it is we have seen very unfortunate consequences of "loose lips sink ships." I think there are some Board members and some staff members who think they are above the rules. Therefore the rules need to be stated.
4. I am very very sorry that Steve Jones is leaving. I believe his departure is a consequence of our not having a code of ethics in place.

Kristen Schrader

E

From:
Sent: Thursday, January 06, 2011 11:48 AM
To: Kristen Schrader
Cc: Michele Stegall
Subject: Ethics Ordinance

I have reviewed the draft Ethics Ordinance and related resolution. I have the following comments. Some may be naïve, due to my non-lawyer status and my being a newcomer to the commission.

ESTABLISHING RESOLUTION: Section 2, line 3 (page 2). Should there be a comma rather than a period after 'execute'. In the same sentence I would replace the word 'customers' with 'residents'.

Section 3, bullet point #8 (page 3) Same point re Customer vs. Resident. Also shouldn't the word be plural?

ORDINANCE RE ETHICAL CONDUCT:

1-12-3 Should Conflict of Interest be a defined term?

1-12-5-c-3 Is a notification of a conflict of interest supposed to be reported up the chain of command? For example, it's clear under (3) that I as a Planning Commissioner should report such a situation to the Planning Commission chair. It's not clear to me, however, if the chair is supposed to forward my report upward.

1-12-8 It's not clear who would have to authorize a disclosure by a commission member, since such individuals are neither 'elected civil servants' or 'employees' of the village.

F

Message:

Dear village managers and trustees:

I am very interested in the proposed ethics ordinance under consideration. I am particularly interested in the the primary area that addresses the use of undue influence by elected officials and members of commissions with respect to Village employees and associates in performing their duties. These ideas from Peter Cooper resounded with me in particular.

"Municipal governments generally control the use of land and buildings through their zoning and building regulations. In Glen Ellyn, our zoning code limits the size, type and use of property; our building regulations addresses all aspects of construction, storm water retention, tree preservation, and display of signs; and our business regulations limit the type and scope of certain business conduct within the Village. The proposed Ethics Ordinance specifically bars an elected official from either directly or indirectly attempting to use his or her position to influence matters that come before the Village employees and administrators. Necessarily, these ethics provisions will affect people involved in property usage – lawyers, architects and builders – disproportionately to other members of the community. Nevertheless, any person sitting on a Village commission or the Village Board must be prepared to refrain from lobbying on his or her own behalf or on behalf of a client, friend or family member during his term of office.

The exercise of undue influence is particularly corrosive to local government. First, it creates pressure and uncertainty for Village employees and associates in performing their duties. With the Ethics Ordinance's clear prohibition, an associate in the Department of Planning and Development need not worry that an attorney, who is also a member of the Planning Commission, will contact that employee and seek unwarranted favorable interpretation of a proposal. Likewise, the Village forester need not fear reprisals for repercussions for proper enforcement of the Village's Tree Preservation Ordinance. The Village Ordinance likewise creates confidence within the community that Village business is not an "insider's game." Too frequently, Glen Ellyn appears to be a community that is influenced and controlled by a select few. Some have come to believe that special connections may lead to special consideration. By allowing that appearance to exist, we undermine our constituents' confidence in the independence and honesty of the Village government. Every resident must know that all decisions are based upon the facts and equities of the individual case and not upon the "connection" of the person seeking the action or

approval. The proposed Ethics Ordinance attempts to address these doubts and make clear our commitment to open and honest governments."

Please restore my confidence in the work of the village and approve this ordinance.

G

A brief report on

This group is still conversational. I understand a tad more since many have been on this commission for a good period and they understand each other (they do come up with good concerns and do good commission work).

They were very surprised to know that ethics section wasn't within the employee handbook.

They overall feel this is a cumbersome ordinance and do not feel it should include volunteers. It needs to be differentiated.

To commingle the assorted groups is a problem.

This will cause a lot of volunteers to disappear. One said he would resign immediately if this goes through.

It was pointed out that 1-12-2 basically says everyone should be familiar with the ee handbook and follow it.

How is that possible for volunteers?

An ethics officer will be expensive and will in fact be looking for stuff to work with, ie., will be doing things to justify his/her job. (I don't recall how we will fund this and is there a budget item in place for this?) They think it's poor timing to drop money into this position.

Volunteerism will be hurt - "it will be screwed it up".

Need something that is simple and common sense.

No need for more laws.

Can't produce a common package to cover all these people/positions as an ordinance. This will be challenged.

On the good side, they liked the resolution as a good place to start. The ordinance was well written.

They will produce a common statement and probably a few more will produce individual comments. Three or four weren't there, including _____ and a couple others I would liked to have heard.

1

Last night I was ready to think we could do something with a few tweaks - after tonight, I think we could adopt the resolution for now as a guide and place in ee handbook; rewrite this to fit categories (volunteers, elected officials, employees, and vendors); make the "punishment" progressive or open to the ethics officer to determine; develop a budget for Ethics Officer Enforcement.

I think we will open a big can of worms and have detrimental effect on voluntarism if we go ahead - to get something to say we have something is wrong. To get it right is smart!

From what _____ said, I am sure we will get some straight up comments from employees also. There is a need to carefully review what is submitted in response to this open request for input. Whose issue is this? Is it the VB? Is it the ee's? Is it the public's? What are we truly doing?

You could also, for the time being, adopt the state code with the resolution and revisit in 12 months.

I think there is an elephant in the room.

Kristen Schrader

From: Robert Wechsler [catbird@pipeline.com]
Sent: Friday, January 14, 2011 9:47 AM
To: villageofglenellyn@gmail.com
Subject: Comments on Proposed Ethics Code and Resolution

H

To Whom It May Concern:

I am Director of Research for City Ethics, Inc., a nonprofit, nonpartisan organization that provides advice on local government ethics matters. As part of my work, I write a blog on local government ethics. Today I wrote an in depth analysis of Glen Ellyn's proposed ethics code and resolution. I have included the analysis below. It can also be found at <http://www.cityethics.org/content/look-proposed-ethics-code-glen-ellyn-il>.

Yours sincerely,

Robert Wechsler
City Ethics, Inc.
203-230-2548
rwechsler@cityethics.org

You can learn something from every local government ethics code there is, and especially from codes that have only been proposed. Today I'm going to look at a proposed ethics code for Glen Ellyn, IL, a western suburb of Chicago (pop. 27,000). The proposed code and resolution are attached; see below.

Aspirational Policies

One of the most striking things about the Glen Ellyn proposal is not the code, but a series of aspirational policies called the Resolution Establishing the General Policy of the Village of Glen Ellyn Regarding the Ethics Standards Expected from Its Civil Servants (attached; see below). Aspirational policies are good, and it is best to keep them clearly separate from enforceable ethics provisions, although this is usually done within the ethics code itself.

There's a lot of good language in Sections 4 and 5 of this resolution about the responsibilities of local government officials and employees. But there's also gobbledygook, such as "Being authentic. Maintaining personal integrity, truthfulness, honesty, sincerity, and fairness in carrying out public duties, enhancing mutual well-being" and "Being guided by the principle of doing the right thing."

The resolution "embraces the six pillars of character," without crediting the Josephson Institute, which markets this approach to ethics, or providing the basic description of each pillar, such as Citizenship: "Do your share to make your school and community better • Cooperate • Get involved in community affairs • Stay informed; vote • Be a good neighbor • Obey laws and rules • Respect authority • Protect the environment • Volunteer." You can see for yourself how well this fits into the responsibilities of a public servant.

This kind of stuff isn't really harmful, but since the American Society for Public Administration (ASPA) has spent decades thinking about how to put into words the responsibilities of a public servant (see the City Ethics Model Code, which includes the ASPA code), why turn to the six pillars of character and vague concepts like "being authentic"?

The other problem with the resolution is Section 6, which suddenly shifts the resolution from aspirational guidelines to enforceable matters such as gift and political activity provisions, which are also in the ethics code.

The Proposed Ethics Program

The proposed ethics code sets up an unusual ethics program. There is an ethics officer, without an ethics commission, who provides advice to all and enforces the code with respect to everyone but employees. The village manager enforces the code with respect to employees. There is annual disclosure, as already required by state law, and a complex system of disclosure of conflicts of interest when they arise. There is no training, there are no waivers, and there is very little description of the advice and enforcement processes. However, there are fines, ranging from \$250 to \$750.

An Ethics Officer

It's great to see the village employing the idea of an ethics officer, but an ethics officer appointed by the village president (who presides over the village board), with the approval of the village board, not only will not make the public see the program as independent, but will create a conflict every time these elected officials are involved in the ethics program, either by seeking advice or being respondents in an ethics proceeding.

Since an ethics officer has not been budgeted, it appears, according to a November article in the Glen Ellyn Patch, that the village attorney, a contractor rather than an appointee (and contractors are subject to the code), would fill the position, at least in the short run. Considering their political role, local government attorneys should not be ethics officers. A local government attorney who doesn't see the potential problems involved in this role does not have the expertise to do the job. A local government attorney who sees the problems would not accept the job, even though he or she may have the expertise.

The Conflict of Interest Provision

There are several problems with the basic conflict of interest provision in the proposed ethics code (Sect/ 1-12-5(a)). One, its first two sections simply refer you to the definitions section. This is generally undesirable. For the code's central provision, it is simply wrong.

Two, the third section is as follows: "participation would constitute a conflict of interest under the statutes or common law of the state of Illinois." (The gift provision includes both state and federal laws.) This means that the ethics officer and village manager will have to both advise on and enforce state and federal statutes and the common law. I think this is wrong to ask of them, and could cause serious problems. But at the very least, the code should include all relevant statutes as well as a clear summary of all relevant common law. Otherwise, village officials and employees will be found in violation of rules they don't know about.

Third, the basic conflict provision (called Prohibited Transactions, an odd formulation, since transactions are usually considered to be financial) seems to cover the same situations as the following Recusal provision, and yet the language is completely different. The first says that "No civil servant shall participate in any transaction..." and the second says that "Any civil servant shall recuse himself or herself in connection with any transaction." What's the difference? And yet the rules are different. This issue needs to be rectified.

The Gift Provision

The Gift Ban is also problematical. First of all, it's not a ban at all. It allows for gifts of food valued at \$75 a day, which would allow a developer or contractor to give officials restaurant tabs all over town, unless another provision, limiting annual gifts from one source to \$100, were seen to apply to food (it could easily be argued that it does not).

Second, the gift provision applies to gifts from prohibited sources, but does not define "prohibited source." If the prohibited source is a relative or a friend, gifts are fine unless, with respect to gifts from friends, "the civil

servant has reason to believe that, under the circumstances, the gift was provided because of the civil servant's position and not because of the personal friendship." Who's going to have such a reason to believe?

Third, you can accept a gift of any value from a prohibited source as long as you give it your favorite charity. Since no one will give a gift that is going to go to an official's favorite charity, and not even get the deduction, the gift will simply go straight to the charity. This is a popular pay-to-play approach that I haven't seen encouraged in an ethics code.

The Confidential Information Provision

The proposed code makes the usual mistake with respect to confidential information. It prohibits not only the use of it for someone's benefit, which is a conflict issue, but also its disclosure, which is not a conflict issue. Disclosure is, for employees, a personnel issue, and for others a political issue. This provision also refers only to "improper utilization" of confidential information, without saying what is "improper."

Other Provisions

The section on Use of Authority/Influence also includes matters that are not government ethics issues, such as misrepresentation of policy, communication with staff, and discrimination. This entire section should be removed, and the basic misuse of office provision should be incorporated into the conflict of interest provision.

Finally, it is not appropriate to speak in terms of "conviction" for an ethics violation. This is criminal terminology, and ethics is an administrative program.

It's great that Glen Ellyn is seeking input from its citizens on the proposed ethics code. I hope its officials find this input helpful, as well.

Kristen Schrader

I

From:
Sent: Saturday, January 29, 2011 10:43 AM
To: villageofglenellyn@gmail.com
Subject: Ethics Resolution and Ordinance

I commend the Board for advancing an Ethics Resolution and Ethics Ordinance. My major concern at this time, which is shared by many Village residents, is the ethics of Village elected officials relating to handling of confidential information. It is not unusual to read details of a subject discussed in Executive Session or a Closed Meeting in one of the local newspapers covering our Village. Other Glen Ellyn residents have commented about the publicizing of confidential information in this manner. From my own service on the Village Board, I recall the Village Attorney, as we entered Executive or Closed Session, cautioning those in attendance that the information discussed in this meeting is confidential and should not be shared with the public, press, etc. During my several years on the Board, I do not recall a single instance where information from an Executive Session was leaked to the public, media, etc. The feeling of confidentiality was so strong that we would not discuss the information with our wives, husbands, etc. Am pleased to note that confidential information is covered in Section 1-12-8 of the proposed Ethics Ordinance and penalty provisions are covered in Section 1-12-12. From comments of local citizens, it appears the respect of the community for the Village Board is declining, and I strongly encourage you to approve the Ethics Resolution and Ordinance and take steps to ensure compliance in the handling of confidential information. Approval of a strong Ethics Ordinance will be a major step toward regaining the public trust.

One final suggestion, I did not locate a provision which would cover a specific period after elected service, that elected officials would be unable to approach the Board for direct business activities either on their own behalf or for the benefit of other people. This would seem to be a natural step as Board members complete their term of office.

Thank you for considering these suggestions.

Code of ethics should be implemented soon

I was quoted in the most recent issue of the Glen Ellyn News as speaking at the Jan. 10 Glen Ellyn Village Board meeting for the Civic Betterment Party in support of the proposed Glen Ellyn ethics ordinance. In fact, I made it clear in my remarks that I was not speaking for the Civic Betterment Party but was speaking only as a Glen Ellyn resident and as a former village trustee.

In any case, my point was that in this day and age as citizens we should expect our elected officials and village staff to have and observe a code of ethics.

It's important that the code and the ordinance be well-conceived and -drafted, so I see no problem in a short delay to "get it right." But what's important is that this ethical framework and road map be in place soon. I trust that our Village Board will indeed make this happen.

Lee Crumbaugh, Glen Ellyn

K

Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

January 27, 2011

Glen Ellyn Village Board of Trustees
535 Duane Street
Glen Ellyn, IL 60137

Dear Village Board:

Before moving on to the business at hand, we felt it important to state that we appreciate the hard work and efforts of the Village Board in helping create what is a special place to live. The hours devoted to being a village trustee dwarfs the commitment of the myriad other commissions and committees in Glen Ellyn.

We are writing with respect to the draft Ordinance Establishing Standards for Ethical Conduct by Civil Servants (the "Ordinance") and related Resolution Establishing the General Policy of the Village of Glen Ellyn Regarding The Ethics Standards Expected From Its Civil Servants (the "Resolution").

The Ordinance and Resolution were the primary topic of discussion at our recent January meeting. The discourse produced a fairly common consensus among and we as a group felt inclined to bring our thoughts and feelings to the attention of the Village Board.

We have no issue with the general concept of an ethics policy for village employees and the residents who run for election as trustees or volunteer on the various commissions that help Glen Ellyn function. We all should act in an ethical and honest manner in our personal lives, our professional careers and in any civic activities we may engage in. Our concerns regarding the Ordinance can roughly be grouped into three categories: (i) delineation of village employees versus trustees and volunteers; (ii) clarity of acts/omissions that would violate the Ordinance; and (iii) the impact on the ability to recruit trustees and volunteers going forward.

Village Employees/Trustees/Volunteers:

The Ordinance, as currently crafted, lumps paid village of Glen Ellyn employees, Village Board trustees and volunteer civic commissioners into one category via the definition of "Civil Servant". We strongly feel that there needs to be differentiation amongst the three groups identified. In other words, while it makes sense for village employees to be bound by their employee manual, we did not agree with also requiring the Village Board and volunteer commissioners to adhere to an employee manual when they are not in-fact employees of the village. Further, given that volunteer commissions generally do

not participate in contract bidding/approval and have no ability to influence the approval of the annual budget, they should be subject to a very limited number of major ethics policy violations with the sole penalty being expulsion from the commission upon which they serve (i.e., no fines).

Clarity:

A common theme heard during our January discussion of the Ordinance was that it lacked specificity regarding actions (or the omission of taking action) that would result in a violation of the Ordinance. Lacking clear examples, the \$250 - \$750 penalty appears to be subjective. While it is out of our purview, given our volunteer status, it seems that any action(s) that might result in termination of employment should be clearly defined. While it takes more work on the front-end, crafting a concise list of prohibited activities should result in fewer violations, as those affected will know the rules under which they are operating.

Impact on Volunteers:

One of the attributes of Glen Ellyn that makes it so unique is the culture of volunteerism that exists. We all enjoy living here and want to keep Glen Ellyn a special place to live. Important functions of governance (and safety, if you count our volunteer fire department) have historically been filled by residents who give of their time freely and with limited or no compensation. We fear that enacting a policy along the lines of what we reviewed will result in fewer citizens volunteering for roles as commissioners or being willing to commit to the inordinate drain on their time that comes with being a trustee.

As a final comment, the Ordinance establishes the position of Ethics Officer and makes reference to a salary. Lacking details, we question the need to hire another village employee at a time when our community continues to struggle financially. Further, having an employee whose sole function is the identification of policy violations (again, lacking definition of the role) may change the culture of Glen Ellyn in a way that is not positive.

We hope you will consider our comments as you continue to review the Ordinance and Policy.

Sincerely,

Kristen Schrader

L

Subject: FW: oops - sorry but one correction

Kristen,

Thank you for this special opportunity, and for all the efforts you make on the Village's behalf. I fear my comments here may not be as well formed as I might wish, as I missed the deadline and only your good graces have allowed input at all; so I am rushing quite a bit.

I have read both the proposed resolution and ordinance, and an article in the Patch by Diane McGinley. I also have seen correspondence which described McGinley's comments as "vehement", "unrealistic" and "naive." This is the first I had ever heard Diane's name -- a failing on my part to be sure.

The proposed resolution is more concerning to me than the ordinance. It appears to add nothing to the enforceability of the ordinance, and much of it is so vague as to be essentially meaningless in a practical context. Just to take one example:

Guidelines for achieving ethical behavior include:

Being authentic. Maintaining personal integrity, truthfulness, honesty, sincerity, and fairness in carrying out public duties, enhancing mutual well-being

Fine aspirational words, no doubt, but what does it mean or add to the ordinance? Can we picture the Village Manager calling in employees "Well, Mary, I feel you were only 78% authentic this week?" Far worse though is the possibility that such becomes code language with meanings such as "doesn't share my beliefs" or "has a different skin color."

Further, the resolution draws from the Josephson Institute without acknowledgment. The Josephson Institute appears to offer excellent ideas which all can laud. It also appears to have a long-term religious agenda, which may be less appealing. I see no loss to the Village if we scrupulously avoid the possibilities mentioned in the paragraph above and this one.

>From a sincere wish to not strain your indulgence, I will stop there and summarize: The proposed resolution appears to add nothing to the enforceability or value of the ordinance and does contain pitfalls. The entirety of it should be dropped or replaced with a simple declarative statement such as "The Village Board adopts the attached Ethics Ordinance."

Regards the proposed ordinance. I share Ms. McGinley's concerns that the ordinance confers too much authority on the Village Manager and President, and also that it carries some risk of needless litigation or judicial involvement. I did not find her thoughts "vehement" or "unrealistic" or "naive." Further, a proposal to add a new position in the Village seems out of step with the direction of conscientious spending which most of the country must surely adopt.

The ordinance appears to treat disclosure of Village information on the same plane as mis-use. I do not share that. Mis-use of information is certainly more serious. Indeed, it's not clear to me that the Village Board can or should be doing many things that rightfully merit a cloak of secrecy.

With those minor comments out of the way, the proposed ethics ordinance strikes me as reasonable, though unlikely to be the most important thing for the board to be spending time on. Others have raised the notion that state law already addresses issues covered by the ordinance. I'm not in a position to know whether that is true, but it strikes me as being extremely likely. If there is some peculiarity of Glen Ellyn or some recent incident which cannot be resolved in any way other than this ordinance, the Board should make it plain to the rest of us.

So, I'd far prefer to see the Board get on with other business; to not adopt the proposed ordinance, and to minimize further discussion.

Thank you once again, Kristen, for this chance to comment and for all that you do every day for the Village of Glen Ellyn.



M

**League of Women
Voters of Glen Ellyn
2010-2011 Board
of Directors:**

January 21, 2011

**President-Ginger
Wheeler**

**Mr. Mark Pfefferman, President
Board of Trustees
Village of Glen Ellyn
Glen Ellyn, IL 60137**

**Vice Presidents-
Carrie Burrows
Lucy Dallman**

**Secretary- Jayne
Boeckelman**

And Trustee Members

**Treasurer - Mary
Lou Lowry**

Dear President Pfefferman and Board of Trustees:

**Voter Service
Co-Chairs:
Midge Anderson,
Diana Hoke**

Our organization is writing to strongly urge you and the board of trustees to support an ethics ordinance for the Village of Glen Ellyn. We are basing our position on the support that our national parent organization and its coalition partners have provided for the Office of Congressional Ethics (OCE), a critically important ethics reform from the last Congress that is believed an essential new component of government reform.

**Directors:
Hanano Anderson
Cleo Burtis
Tina Chivardi
Illiana Ebbole
Sonja Faulkner
Bonnie Gahrnis
Dorothy Hess
Judy Kinn
Patti Landry
Gina Meyers
Joy Young**

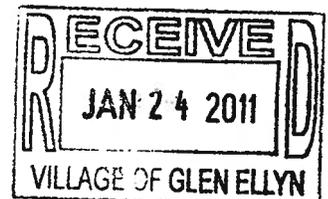
We strongly urge you to seek ways to strengthen any existing ethics rules and standards in order to ensure that members of the board and village employees, as well as vendors who benefit from taxpayer funded contracts, are held to the high ethical standards that citizens expect from those who exercise great power over their daily lives. We further urge you to oppose any efforts to weaken or backtrack on ethics rules and standards of conduct that might protect the integrity of Glen Ellyn's village government and the interests of its residents. This is in accordance with statements the League of Women Voters of the US has made to Congress in regards to the ethics rules of Congress itself.

In conclusion, we urge you to take all steps necessary to create and, where necessary, strengthen ethics rules and standards of conduct that exist to protect the interests of Glen Ellyn residents in an honest and ethical government for the Village of Glen Ellyn.

Sincerely,

**Ginger Wheeler, President
League of Women Voters of Glen Ellyn**

cc: Members of the League of Women Voters of Glen Ellyn



DRAFT—12/28/10

NO. _____

**A RESOLUTION ESTABLISHING THE GENERAL
POLICY OF THE VILLAGE OF GLEN ELLYN
REGARDING THE ETHICS STANDARDS EXPECTED
FROM ITS CIVIL SERVANTS.**

WHEREAS, the Village of Glen Ellyn (Village) has benefited from the recognition of its civil servants that the citizens of the Village require the local governmental body and its officers, employees, members of committees and commissions and appointed volunteers to carry out their operations using the highest ethical standards; and

WHEREAS, there have been many statements made at Village Board meetings and on other occasions outlining the general principles which have allowed the municipality to operate in this way; and

WHEREAS, the Corporate Authorities wish to memorialize these concepts in a resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: The Village of Glen Ellyn is a special place, and ~~wishes~~ desires to uphold (does this mean “enforce”) and promote ~~the highest~~ standards of ethical behavior from all hired, appointed or elected holders of a government position in the Village, including all Village elected and appointed officers, employees, commissioners, appointed volunteers and vendors representing the ~~Village~~ village when they are in direct contact with the village’s customers or in the performance of the duties of their position. These groups will be referred to collectively as civil servants in this resolution.

The Village embraces the six pillars of character and all civil servants should strive to lead by their example. They are:

- Trustworthiness
- Respect
- Responsibility
- Fairness
- Caring
- Citizenship

SECTION 2: The Village believes that promoting an ethical culture helps Glen Ellyn by enhancing its reputation as a respected and superior employer, and enhancing its ability to execute, innovate and deliver high quality service ~~to its customers~~. The Village believes an ethical culture attracts and retains valuable civic servants in all positions and ultimately leads to better financial results and morale. Accordingly, all civil servants shall maintain the utmost standards of ethical behavior.

SECTION 3: The Village of Glen Ellyn ~~and its civil servants share~~has a commitment to provide ethical conduct in the service to the community. The purpose of this resolution is to ~~ensure~~require that all civil servants associated with the Village have clear ~~guidance~~guidelines for carrying out their roles and responsibilities.

Guidelines for ~~achieving~~ ethical behavior include:

- ~~Being authentic~~Maintaining personal integrity, truthfulness, honesty, sincerity, and fairness in carrying out public duties, ~~enhancing mutual well being;~~
- ~~Being guided by the principle of doing the right thing (how do you define what is the right thing – this may depend on your perspective and is subjective – this document is not being proposed as a “subjective” document)~~
- Holding oneself and others accountable for ~~performance results and~~ ethical behavior.
- ~~Setting an appropriate tone by not~~ Do not condone, condoning, encouraging, encourage justifying justify or ignoring ignore inappropriate business behavior or illegal acts by others.
- ~~Being~~ Be a role model by in using words and actions that align with and ~~showing confidence in “walking the talk” with regard to ethics.~~ ethical behavior.

- ~~Using Use~~ a clear and effective communication style by:
 - ~~Not sending unintended messages~~
 - ~~Keeping communication short and meaningful~~
 - ~~Remembering that how something is communicated is often as important as what is being communicated~~
- Listening carefully and being open to the ideas and opinions of others when delivering the intended message and be respectful of others in the process;
- Listen carefully and be open to other ideas and opinions;
- Following Follow up on commitments made;
- Keeping Keep the customer and the Village's reputation in mind in all matters;
- avoiding Avoid internal and external village related the spreading of rumor, innuendo and gossip at all times;
- Accepting Accept responsibility for failures as well as successes;
- Maintaining Maintain an environment of trust and openness at all times;
- Evaluating Evaluate one's own ethical work practices as they relate to the Village regularly and looking for opportunities to improve.

SECTION 4: Further, the Village of Glen Ellyn recognizes that civil servants operate in a fast-paced, customer service based environment that consistently challenges them to make effective and timely decisions. The pressure to perform can lead to situations where doing the right thing may not be expedient or easy. When making decisions in their work for the Village, civil servants should consider the following:

- The facts and issues
- The needs of Village of Glen Ellyn and the individuals involved
- Others who could be affected by the decision and their input
- ~~Ethical principles that apply~~
- Village of Glen Ellyn ordinances, policies, legal obligations and regulations that apply
- ~~That the implications, impacts, and options have been assessed~~ Input from experts on the subject matter being considered by subject matter experts
- ~~That the decision will achieve the desired outcome and if the result in each situation can be re-applied (every decision may have different "desired" outcomes depending on your point of view – not a good statement to include)~~

SECTION 5: In addition, Glen Ellyn Civil Servants shall:

- Perform their duties and responsibilities in ~~Comply compliance~~ with this resolution, the ~~village's~~ Village ethics ordinance, ~~all applicable laws and ordinances governing ethics~~ (how is a public servant/ volunteer going to know "all applicable" laws and ordinances unless it is provided or identified to them?) and any personnel manual or handbook that governs their assignments

- ~~Avoid any conflicts of interest~~Identify all conflicts of interest to the Village that may arise in performing the duties
- ~~Treat confidential information as such~~Keep confidential information as such
- File statements of economic interests annually if required by Village ordinance or policy
- ~~Copy or inform the leaders of the department, board or commission and her/his supervisor on all policy related discussions with those in their departments~~
- ~~File an ethics related complaint to the village ethics officer if she/he witnesses or suspects unethical behavior.~~Report concerns of unethical behavior or violations to the Village Ethics Officer.
- ~~Disclose and manage conflicts of interests. Unresolved conflicts are undesirable because they may lead to the appearance that a civil servant is placing his or her interests above the public interest.~~
- ~~Share a commitment~~Commit to ethical conduct in service to the community
- Avoid any improprieties in their roles as public servants
- Not accept any gifts, favors or any other service/ item from and individual or company in order to influence the Civil Servant in their duties to the Village.

~~SECTION 6: Glen Ellyn Civil Servants shall not:~~

- ~~Participate in any official transaction that would present a conflict of interest~~
- ~~Accept a favor, gift or meal from any individual directly or indirectly involved in business dealings with the village with a value in excess of that permitted by ordinance.~~
- ~~Engage in any political activity during any time representing the village in their official duties, excluding vacation or personal time off.~~
- ~~Use a position of authority to employ or seek favors from others.~~
- ~~Discriminate against others~~
- ~~Use their village position or powers inappropriately or for personal or private gain~~

SECTION 8: This Resolution shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

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Letter to the Community

OPINION

Will the Proposed Glen Ellyn Ethics Ordinance Really Prevent Unethical Behavior?

The Glen Ellyn Board of Trustees are considering a proposed Ethics Ordinance at the Feb. 14 board meeting. Is this the best option for our town?

January 24, 2011

The Village of Glen Ellyn is currently considering adopting an Ethics Ordinance on Feb. 14, 2011. This ordinance would apply to all elected and appointed officials as well as all village staff employees and vendors. As a future trustee board member, I have serious reservations about this ordinance. I have to wonder, why are we jumping from having nothing—not a policy, not a statement, not anything—to an ordinance that includes court, lawyers and monetary damages? Why are we considering something that could bring staff into a court and be fined? What happened in the Village to cause such a response?

Could it stem from residents being upset when they found out a trustee represented a petitioner in a connected, but different legal issue about some land they were purchasing? Could it be about a trustee who was accusing another trustee of repeatedly violating the confidentiality of executive sessions?

Could it be related to the act of trying to remove certain department heads that failed? Or is it really about trustees requesting favors, as the examples in all the meetings suggest?

Let's start from the beginning. Our village does not have any ethics policy or ordinance. We need one. I agree with that statement. We should create and implement a policy. The same type of policy most employees need to sign when they begin a new job. This policy would cover subjects like accepting gifts, behavior and conflicts of interest.

One such document is currently written and is considered the resolution before the ordinance before the board. This policy would cover the basics of expectations and put people on notice of what is expected of them. I also think we need to address our village attorney's role and how changing it may do more for our town than any policy or ordinance that could be written.

First, let's look at the ordinance. The ordinance that is under review has added language from the resolution that is highly disturbing and includes bringing all people accused of breaking the ordinance into court, involving lawyers and a judge. The Village would need to pay for a lawyer as well for every case that is brought to court. There are three sections of the ordinance that concern me: the Treatment of Confidential and Sensitive Information, Conflicts of Interest and in general the power given to the Village Manager.

Treatment of Confidential and Sensitive Information

"No civil servant or former civil servant shall disclose or improperly utilize any confidential information without prior authorization. Authorization for disclosure by elected civil servants and the Village Manager shall be provided by the Village President. Authorization for disclosure by the employees shall be provided by the Village Manager." - From the proposed Ethics Ordinance

This would mean that if a staff member's behavior is being discussed in an executive session, they are not allowed to speak about it to anyone. Does our village really have the right to prevent a staff member from discussing something that is happening to them personally? If a staff member is accused of speaking about their personal experience outside of executive session, they would then be brought to court and fined. At that point, wouldn't the matter only be brought into the public even more?

This section also concerns me because of how an accusation would be handled. If we have a trustee that is being accused of violating this section, they would be brought to court under these charges and fined. My question is how does one defend themselves against such a charge? Not too long ago, one of the trustees accused another trustee of leaking information. The accused repeatedly stated they did not leak information—but the majority of the other trustees did not believe him. In this scenario, the accused would now be sent to court to try and prove they did not leak information. How does one do that? Besides denying it, there is no way to prove or disprove the accusation. The only thing this section would do is pit trustee against trustee and raise the legal expense for the Village in having to bring these cases to court.

There will always be the risk of information being leaked. If, as elected officials, there is a signed policy about such a thing, that should be enough for someone who is pledging their time and effort in making this town a better place. The village president should be able to rein in any trouble in that area by speaking to the accused and finding out exactly what is really happening. If someone really does leak information, residents always have the last say by voting against this person if they should elect to run again for a second term or as village president in a future date.

Conflict of Interest

This section sets out to explain what a conflict of interest is and what is expected of a civil servant. I agree that conflicts of interest should be avoided if at all possible. However, I also think that this document would not address any issues that Glen Ellyn has faced and would again end up with trustees sending each other to court, resulting in higher expenses for the taxpayers by supplying lawyers.

Will the Proposed Glen Ellyn Ethics Ordinance Really Prevent Unethical Behavior? - Gle...

To show an example: all of our commissions have a trustee who attends their meetings acting as a liaison to the Village Board. Their role is to be available to answer any questions as it relates to Village matters and, once the issue goes before the Board, they are supposed to be able to answer any questions the other trustees have in regards to how a commission came to their decision. They do not speak or vote on any matter before a commission—they only do so once it is before the board. So, if the trustee acting as a liaison has a working relationship with the petitioner appearing before the commission, one would argue that this is a conflict of interest. However, that is not necessarily so.

This has happened in the past and the trustee in question contacted our village attorney and asked if there were any conflicts of interest. The answer was no. Everything that trustee did, or did not do, was in accordance with the law and our village attorney was well aware of his involvement. Now, did that serve the best interest of our village? Many residents do not think so. Did our village attorney provide guidance by law? Yes, and that law indicated this was not a conflict of interest.

How do we prevent conflicts of interest? I do not think we can ever eliminate this. Someone will always think they lost because of a connection someone had or relationships between board members. However, we can address how we handle these issues by reviewing how we direct our village attorney to guide our civil servants. If anyone on the board was unhappy with how things were handled, then the issue needs to be addressed to our village attorney and what we expect from him. I will state here that he performed his job as it has been defined thus far and therefore this is not a statement that anything was done wrong. Instead, I am arguing that we need to change his role and set expectations of what we believe and want for this town.

Power of the Village Manager

The ordinance also gives a lot of power to the village manager. Staff and elected officials are not allowed to speak to each other unless they go through the village manager. The village manager is the only one to grant certain permissions for staff. What happens if we have a village manager that is not trustworthy and the elected officials need to be notified of their behavior? According to this ordinance, staff is not allowed to speak about the village manager to any board member, including the village president.

What kind of town are we that we won't even let our staff speak to our elected officials? Why would we ever eliminate that level of communication? I would hope that as your next elected trustee that I am allowed to get to know the staff. It is from them that the board relies on expertise and information to make important decisions. It is also the way that many ideas are born to improve the Village.

So why the ordinance? According to those trustees in favor of it, they just want to make sure that future trustees are not requesting favors from staff. The most popular example is a trustee sending in a request for the village forester to plant four trees at a specific location as a favor to a friend. So far everyone has agreed that this has not happened yet—it is all just hypothetical. I can see wanting to protect our staff, and village, from such requests. However, would this ordinance really stop this? I argue no, it would not. It would only punish someone if they were caught.

This ordinance would require the staff member who received the request to bring it to the attention of the board, who would then accuse the trustee of requesting a favor. Again, the trustee would be brought to court and the Village would need to provide a lawyer as well. This ordinance does nothing to prevent the unethical behavior and it requires a staff member to willingly bring it to the board's attention.

What Can We Do

I would like to suggest that we do three things: establish an ethics policy, or resolution as published on the Village's website, implement a tool to track employees' time and change the village attorney's role.

As mentioned before, there is a resolution up for discussion that would set the tone as to what this town expects on ethics. It would not be an ordinance, but something that would be signed by all employees as well as elected and appointed officials.

If the Village implements a tool for tracking requests, it would be beneficial in many areas besides looking to see if anyone is requesting favors. In most working businesses, there are databases or software that employees are required to use to enter where they have spent their time at work. It is used so that one can see where employees are spending the majority of their time, to look for efficiencies and to request extra help when a project is taking more resources than originally intended. The software or databases used can be as simple as an excel spreadsheet or a simple access database to an expensive, complex software tracking system.

If our village adapted a time tracking system, reports can be printed for review by the village manager and board at any time. This is where it would be noticed if a trustee requested a favor of any type directly to a staff employee. This tool would also greatly benefit department heads and the village manager to get a better idea of what projects or requests are still open, and what has been completed. They can use it to see everything that had been accomplished in any time period and look for trends on efficiencies.

If we want to eliminate unethical behavior, we need to put safeguards in place to prevent it. We need to use tools that benefit our staff and board to continue working together in an efficient and positive manner.

Next we need to address our village attorney's role. This stems from watching and understanding how our village attorney works. His current responsibility is to serve and support the board in new actions they would like to implement or do from a legal standpoint. Instead, I would like to propose that we change his role to one that represents the Village first and second, he would be responsible for challenging the board in new actions they introduce. He would not just look at things from a legal standing, but from a common sense/ethical level as well. He would be able to speak out against things that do not make sense for the Village. I believe this would resolve many of our issues that we have today.

For example, the board wants to implement a new ethics ordinance. The village attorney, in his new role, would now be able to say that since the Village has not had any ethical violations yet, and since most charges would be difficult to prove, and since this new ordinance would end up costing the taxpayers more legal fees and since this new ordinance is not in the best interest for unity and forward progress on the board, he would not recommend it. Instead, he would recommend an ethics policy and implement some new tools for the staff to use to their benefit.

So the question we need to ask is do we want safeguards in place to prevent unethical behavior, or just punishment if someone gets caught?

D R A F T—12/28/10

NO. _____

**A RESOLUTION ESTABLISHING THE GENERAL
POLICY OF THE VILLAGE OF GLEN ELLYN
REGARDING THE ETHICS STANDARDS EXPECTED
FROM ITS CIVIL SERVANTS.**

WHEREAS, the Village of Glen Ellyn has benefited from the recognition of its civil servants that the citizens of the Village require the local governmental body and its officers, employees, members of committees and commissions and appointed volunteers to carry out their operations using the highest ethical standards; and

WHEREAS, there have been many statements made at Village Board meetings and on other occasions outlining the general principles which have allowed the municipality to operate in this way; and

WHEREAS, the Corporate Authorities wish to memorialize these concepts in a resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: The Village of Glen Ellyn is a special place, and wishes to uphold and promote the highest standards of ethical behavior from all hired, appointed or elected holders of a government position in the Village, including all Village elected and appointed officers, employees, commissioners, appointed volunteers and vendors representing the village when they are in direct contact with the village's customers. These groups will be referred to collectively as civil servants in this resolution.

The Village embraces the six pillars of character and all civil servants should strive to lead by their example. They are:

- Trustworthiness
- Respect
- Responsibility
- Fairness
- Caring
- Citizenship

SECTION 2: The Village believes that promoting an ethical culture helps Glen Ellyn by enhancing its reputation as a respected and superior employer, and enhancing its ability to execute, innovate and deliver high quality service to its customers. The Village believes an ethical culture attracts and retains valuable civic servants in all positions and ultimately leads to better financial results and morale. Accordingly, all civil servants shall maintain the utmost standards of ethical behavior.

SECTION 3: The Village of Glen Ellyn and its civil servants share a commitment to ethical conduct in service to the community. The purpose of this resolution is to ensure that all civil servants associated with the Village have clear guidance for carrying out their roles and responsibilities.

Guidelines for achieving ethical behavior include:

- Being authentic; Maintaining personal integrity, truthfulness, honesty, sincerity, and fairness in carrying out public duties, enhancing mutual well-being
- Being guided by the principle of doing the right thing
- Holding oneself and others accountable for performance results and ethical behavior
- Setting an appropriate tone by not condoning, encouraging, justifying or ignoring inappropriate business behavior or illegal acts by others
- Being a role model by using words and actions that align and showing confidence in “walking the talk” with regard to ethics
- Using a clear and effective communication style by:
 - Not sending unintended messages
 - Keeping communication short and meaningful

- Remembering that how something is communicated is often as important as what is being communicated
- Listening carefully and being open to the ideas and opinions of others
- Following-up on commitments
- Keeping the customer and the Village's reputation in mind, avoiding internal and external village-related rumor, innuendo and gossip at all times
- Accepting responsibility for failures as well as successes
- Maintaining an environment of trust and openness at all times
- Evaluating one's own ethical work practices as they relate to the Village regularly and looking for opportunities to improve

SECTION 4: Further, the Village of Glen Ellyn recognizes that civil servants operate in a fast-paced, customer service based environment that consistently challenges them to make effective and timely decisions. The pressure to perform can lead to situations where doing the right thing may not be expedient or easy. When making decisions in their work for the Village, civil servants should consider the following:

- The facts and issues
- The needs of Glen Ellyn and the individuals involved
- Others who could be affected by the decision and their input
- Ethical principles that apply
- Glen Ellyn policies, legal obligations and regulations that apply
- That the implications, impacts, and options have been assessed by subject matter experts
- That the decision will achieve the desired outcome and if the result in each situation can be re-applied

SECTION 5: In addition, Glen Ellyn Civil Servants shall:

- Comply with this resolution, the village's ethics ordinance, all applicable laws and ordinances governing ethics and any personnel manual or handbook that governs their assignments
- Avoid any conflicts of interest
- Treat confidential information as such
- File statements of economic interests annually if required
- Copy or inform the leaders of the department, board or commission and her/his supervisor on all policy-related discussions with those in their departments
- File an ethics related complaint to the village ethics officer if she/he witnesses or suspects unethical behavior
- Disclose and manage conflicts of interests. Unresolved conflicts are undesirable because they may lead to the appearance that a civil servant is placing his or her interests above the public interest
- Share a commitment to ethical conduct in service to the community

- Avoid any improprieties in their roles as public servants

SECTION 6: Glen Ellyn Civil Servants shall not:

- Participate in any official transaction that would present a conflict of interest
- Accept a favor, gift or meal from any individual directly or indirectly involved in business dealings with the village with a value in excess of that permitted by ordinance
- Engage in any political activity during any time representing the village in their official duties, excluding vacation or personal time off
- Use a position of authority to employ or seek favors from others
- Discriminate against others
- Use their village position or powers inappropriately or for personal or private gain

SECTION 8: This Resolution shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

 Village President of the
 Village of Glen Ellyn, Illinois

ATTEST:

 Village Clerk of the
 Village of Glen Ellyn, Illinois

D R A F T – 1/11/11

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING STANDARDS
FOR ETHICAL CONDUCT BY CIVIL SERVANTS
PROVIDING FOR A PROCESS TO REVIEW
AND ACT UPON ALLEGED VIOLATIONS AND ADDING
CHAPTER 12 TO TITLE 1, OF THE GLEN ELLYN VILLAGE CODE.**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS
HOME RULE POWERS, as follows:

SECTION 1: That there shall be added to the Village Code of the Village of Glen Ellyn,
in Title I, Administrative, a new Section 12, to be entitled “Ethics.”

CHAPTER 12

ETHICS

SECTION:

- 1-12-1: Purpose of the Glen Ellyn Ethics Policy
- 1-12-2: Application of Laws and Policies
- 1-12-3: Definitions
- 1-12-4: Ethics Officer
- 1-12-5: Conflicts of Interest
- 1-12-6: Gift Ban
- 1-12-7: Political Activity
- 1-12-8: Treatment of Confidential and Sensitive Information
- 1-12-9: Use of Authority/Influence
- 1-12-10: Statement of Economic Interest
- 1-12-11: Vendors
- 1-12-12: General Penalty

- 1-12-1: Purpose of the Glen Ellyn Ethics Policy

It is the policy of the Village of Glen Ellyn to uphold, promote, and demand the highest standards of ethical behavior from all elected and appointed civil servants. Accordingly, all

members of the Village Board, advisory commissions and boards, appointed volunteers and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties. All shall comply with all applicable laws, ordinances and policies, and never use their Village position or powers improperly, or for personal or private gain. Undisclosed and unmanaged conflicts of interest are undesirable because they may lead to the appearance that a civil servant is placing his or her interests above the public interest.

The Village of Glen Ellyn and its civil servants share a commitment to ethical conduct in service to the community. The purpose of this ethics policy is to ensure that all persons associated with the Village as civil servants, as defined herein, have clear guidance for carrying out their roles and responsibilities.

1-12-2: Application of Laws and Policies

All civil servants of the Village of Glen Ellyn, as defined herein, are subject to the provisions of this ethics policy and applicable state law addressing ethics. In addition, the actions of civil servants, to the extent applicable, shall be subject to the provisions of the Village of Glen Ellyn *Personnel Manual* and any other rules of operation and performance, including written contracts, applicable to the performance of their duties.

1-12-3: Definitions

For purposes of this policy, the following definitions shall apply:

CIVIL SERVANT: Any individual who serves the Village of Glen Ellyn in an official capacity as an elected or appointed official, member of advisory commissions and boards, appointed volunteer or employee.

FAMILY RELATIONSHIP or FAMILY MEMBER: Any relationship defined as follows: spouse, domestic partner, parents, parents of spouse or domestic partner, siblings, siblings of spouse or domestic partner, children (including adopted), and children of spouse or domestic partner, (including adopted).

FINANCIAL INTEREST: Any economic interest or relationship, whether by ownership, trust, purchase, sale, lease, contract, option, investment, employment, gift, fee or otherwise; whether present, promised or reasonably expected; whether direct or indirect, including interests as consultant, representative or other person receiving (or who may be receiving) remuneration, either directly or indirectly, as a result of a transaction; whether in the person itself or in a parent or subsidiary corporation, or in another subsidiary of the same parent; whether such interest is held directly or indirectly by the civil servant, the spouse or minor child of such civil servant, or any other person with a family relationship with such civil servant owning or sharing the same household as the civil servant. Interest shall not include: 1) interest in a mutual fund or managed account; 2) an ownership interest of less than five percent (5%) in any business entity; or 3) an interest of general applicability affecting others in similar situations.

GIFT: Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government civil servants or the official position of a civil servant.

NON-FINANCIAL INTEREST: Any non-financial consideration that is substantial enough to affect a civil servant's judgment or that could lead to the appearance that the civil servant's judgment has been affected. Such interests may be direct or indirect, through business, investments, family or personal relationships.

PERSONAL RELATIONSHIP: Any personal relationship that would prevent an individual from acting with impartiality.

RECUSE: To refrain from participation in any official discussion, meeting or deliberation regarding a transaction and, where permitted to vote, to cast a vote of recusal when any vote is taken on such transaction.

TRANSACTION: Any matter, including, without limitation, contracts, work or business with the village, the sale or purchase of real estate by the village and any requests for zoning, development or subdivision approvals, including, without limitation, rezonings, variations and special use permits, licenses or other requests, pending before the village, with respect to which an civil servant performs an official act or action.

1-12-4: Ethics Officer

A. The position of Ethics Officer is hereby established for the Village. The Ethics Officer shall be appointed by the Village President subject to the confirmation by the Village Board. The Ethics Officer must have training in the establishment and performance of ethical standards. The Ethics Officer shall receive the salary that is established by motion at the time of appointment or set from time-to-time. The Ethics Officer shall be responsible to conduct an investigation regarding any complaints received against any elected civil servant, civil servant serving on a volunteer board or commission, or the Village Manager. The Ethics Officer shall initially determine whether the complaint presents a basis for an investigation. The Ethics Officer shall also respond to requests seeking an opinion as to whether a matter may represent a potential conflict of interest, or an actual conflict. The Ethics Officer shall also carry out such other duties within the scope of this chapter as shall be specifically directed in writing by the Village President or action of the Village Board.

The Ethics Officer shall make a recommendation to the President & Village Board as to whether any complaint should be referred to the Village Prosecutor for violation of a local ordinance. The Village Board shall determine whether the matter should be referred to the Village Prosecutor, or whether some lesser action is appropriate.

If an ethics complaint is received against an employee (with the exception of the Village Manager), the Village Manager may conduct the necessary investigation and resolve the complaint as a disciplinary matter utilizing the provisions of the Personnel Manual. The Village Manager may also refer the matter to the Village Prosecutor.

B. The Village Clerk is authorized to receive and maintain any ethics complaint made against any civil servant. If the complaint is against an elected civil servant, a member of a volunteer board or commission or the Village Manager, the complaint shall be referred to the Ethics Officer for disposition. If the complaint is against an employee, the complaint shall be referred to the Village Manager.

1-12-5: Conflicts of Interest.

All civil servants shall avoid situations that present a conflict of interest, or a potential conflict of interest. It is the responsibility of all civil servants to solely serve the public interest of the Village of Glen Ellyn. To achieve that requirement it is necessary to avoid situations that present dual interests that can compromise, or appear to compromise the objectivity of decisions.

- a. **Prohibited Transactions:** No civil servant shall participate in any transaction in which: 1) a financial interest as defined in this policy would present a conflict of interest or a potential conflict of interest, 2) a non-financial interest as defined in this policy would present a conflict of interest or a potential conflict of interest, 3) participation would constitute a conflict of interest under the statutes or common law of the state of Illinois.
- b. **Recusal:** Any civil servant shall recuse himself or herself in connection with any transaction that comes before such civil servant in the course of his or her duties, whenever such civil servant has: 1) any interest in the transaction; 2) any family relationship with a person having an interest in such transaction; or 3) any interest in an applicant appearing before the civil servant in an official capacity, even if the civil servant does not have an interest in the transaction itself.
- c. **Notification:** Upon becoming aware of any conflict of interest as described in subsection “a” of this section, any civil servant shall promptly provide written notification, within forty-eight (48) hours, to the appropriate authority of such conflict and the civil servant's recusal from any official action with respect to the transaction, as follows:
 1. Employees, appointed officers or appointed volunteers shall notify the director of the department and the village manager;
 2. The village manager shall notify the village president and the board of trustees;
 3. Members of boards and commissions shall notify the chairperson of such board or commission;
 4. Chairpersons of boards and commissions shall notify the village manager, village president and the board of trustees;

5. The village president shall notify the village manager and the board of trustees;
 6. Any person serving in an elected position shall notify the village president, village manager and the other members of the board of trustees.
- d. **Nonappearance Before Same Board or Commission:** No civil servant required to recuse himself or herself in connection with a transaction shall appear before the board or commission of which he or she is a member with respect to such transaction.
 - e. **Nonparticipation and Disclosure Before Other Board or Commission:** Any civil servant who has actual knowledge that he or she, individually or through a family relationship, has an interest in a transaction pending before a board or commission on which the civil servant does not serve as a member, either: 1) shall not appear or participate personally before the other Board or Commission on which he or she does not serve relating to such transaction; or 2) shall disclose such interest on the record prior to participating in any proceeding before a village board or commission.
 - f. **Potential conflict of interest.** The Glen Ellyn community has a right to expect that the public interest will be served by all individuals involved in local government. To maintain the public trust it is imperative that civil servants present an image of objectivity and fairness in all official actions. Civil servants have the continual and ongoing obligation to promptly disclose not only any known conflicts of interest but also to identify any issues that may have the potential for a conflict of interest, and if they are in doubt to seek the opinion of the Ethics Officer. When such advice is sought, the Ethics Officer will determine if the potential conflict requires the civil servant to take or refrain from taking some action.

1-12-6: Gift Ban:

No civil servant or family member shall accept any prohibited gift, favor or consideration from any individual directly or indirectly involved in business dealings with the village. Nor shall any civil servant accept any prohibited gift, favor or consideration of value that may influence, or has the appearance of influencing a civil servant in the performance of their public duties.

- a. **Prohibited gifts.** Except as otherwise provided in this Article, no civil servant shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the civil servant. No individual shall intentionally offer or make a gift that violates this Section.
- b. **Exceptions.** The restrictions do not apply to the following:
 1. Opportunities, benefits, and services that are available on the same conditions as for the general public.

2. Anything for which the civil servant pays the market value.
3. Any contribution that is lawfully made under the Election Code or under this Act or activities associated with a fundraising event in support of a political organization or candidate.
4. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
5. Anything provided by an individual based on a personal friendship unless the civil servant has reason to believe that, under the circumstances, the gift was provided because of the civil servant's position and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship the civil servant shall consider the circumstances under which the gift was offered, such as:
 - (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - (ii) whether to the actual knowledge of the civil servant the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (iii) whether to the actual knowledge of the civil servant the individual who gave the gift also at the same time gave the same or similar gifts to other civil servants.
6. Intra-governmental and inter-governmental gifts. For the purpose of this section, "intra-governmental gift" means any gift given to a civil servant from another civil servant of the village, and "inter-governmental gift" means any gift given to a civil servant by an official of any other governmental entity.
7. If provided for in the Village's budget, the recognition of a civil servant's life event such as birth, death, marriage, illness, or retirement such as flowers or a donation.
8. Bequests, inheritances, and other transfers at death.
9. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purpose of this section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
10. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.
11. Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

- c. **Gift ban; disposition of gifts.** A civil servant does not violate this section if the civil servant promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c) (3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

1-12-7: Political Activity

- a. **Prohibited political activities.** Employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). Employees shall not intentionally misappropriate any Village property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.
- b. **Coerced political activity.** At no time shall any elected civil servant or supervisory employee intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity as part of that employee's duties, as a condition of village employment, or during any time off that is compensated by the village (such as vacation, personal, or compensatory time off).
- c. **Compensated political activity.** A village employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.
- d. **Rewarded political activity.** A village employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.
- e. **Exceptions.** Nothing in this Section prohibits activities that are otherwise appropriate for a village employee to engage in as a part of his or her official employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

1-12-8: Treatment of Confidential and Sensitive Information

No civil servant or former civil servant shall disclose or improperly utilize any confidential information without prior authorization. Authorization for disclosure by elected civil servants and the Village Manager shall be provided by the Village President. Authorization for disclosure by employees shall be provided by the Village Manager.

Confidential information shall mean any non-public information, written or otherwise, including information exempt from disclosure pursuant to the Open Meetings Act, the Freedom of Information Act, or information exempt from disclosure pursuant to written agreement.

1-12-9: Use of Authority/Influence

- a. **Use of Position to Influence Employment for Others.** No elected civil servant shall directly or indirectly communicate with staff seeking to influence the hiring or termination of an employee or contractor. Such discussions shall be conducted with the Village President or Village Manager, or in accordance with the requirements of the Open Meetings Act, with members of the village board.
- b. **Use of Position to Seek Favors for Self or Others.** No civil servant shall directly or indirectly obtain or seek to obtain preferential treatment for himself or herself or any other individual or entity. Civil servants shall follow the same rules, regulations and processes that is applicable to the general public. Village staff shall maintain a record of all written or oral communications from all elected officials and department heads in which the requester appears to be directly or indirectly seeking to obtain preferential treatment for himself or herself or any other individual or entity. The communications from department heads should always be reported when they involve requests unrelated to that individual's duties in the Village. All such requests should be reported to the Village President and to the Village Manager, who may choose to inquire from the Ethics Officer or the Prosecutor whether the communication constitutes a violation of this code. Village staff may also transmit communications from other Civil Servants which they believe may violate this code.
- c. **Use of Position to Misrepresent Official Policy.** No civil servant shall utilize his or her role to intentionally misrepresent the policy or position of the Village of Glen Ellyn.
- d. **Interaction Among Civil Servants.** The employees of Village, under the supervision of Department heads, and ultimately the direction of the Village Manager are responsible for the day-to-day operations of the Village. All operational matters shall be directed to and carried out through the Village Manager's office.

The Village Board, with the advice and recommendations of members of Village Commissions, Committees, Advisory Boards, are responsible for shaping and setting village policy and providing direction for the village. All policy matters should be determined by the Village Board, although input and advice from other civil servants are welcome. Once established, the Village's policies should be followed by all civil servants unless determined to be in violation of the law.

The Village intends to establish and maintain a collaborative model which permits elected and appointed personnel to function within established guidelines. Acting outside of any written guidelines will not find favor, success or advancement and is a violation of this chapter.

- e. **Discrimination.** No civil servant shall engage in discriminatory behavior based upon race, age, sex, sexual orientation, gender identity, religious affiliation, marital status or any other protected status under applicable law.

1-12-10: Statement of Economic Interest.

In accordance with State statutes, the Village Clerk annually prepares a list of civil servants who are required to file a statement of economic interest. All civil servants subject to the law are required to complete and file the statement in accordance with the deadlines established by the DuPage County Clerk.

1-12-11: Vendors. To the extent that the supplier of goods or services to the Village perform tasks as representatives or agents of the Village, they shall be subject to the provisions of this Chapter, as if they were civil servants. Their exposure as persons whose actions would subject them to violations of this chapter shall be limited to the actual times when they supply goods, or perform services for the Village and interact with persons or entities who are seeking or resisting municipal actions.

1-12-12: General Penalty

Any Civil Servant, excluding appointed volunteers, convicted of a violation of any section contained within this Chapter shall be fined a sum of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each violation. A violation committed shall be considered a separate offense each day. In addition, violations of the provisions of this Chapter may be utilized to take disciplinary action up to and including discharge for civil servants who are employees, serve in appointed offices, or are appointed volunteers. Elected officials, who violate any provisions of this Chapter, may, upon conviction, be fined as provided for in this section, and such violations may be utilized by the corporate authorities to determine whether that person's actions should be censured.

SECTION 2: This Ordinance establishing standards for civil servants shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President and Board of Trustees of the Village of Glen Ellyn,
Illinois, this _____ day of _____, 20_____.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20_____.)

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