

Agenda
Village of Glen Ellyn
Regular Village Board Workshop
Monday, October 18, 2010
7:00 p.m.
Galligan Board Room
Glen Ellyn Civic Center

1. Call to Order
2. Public Comments?
3. Preliminary Tax Levy Discussion – Finance Director Batek
(Pages 2 – 13)
4. Tax Levy Considerations – Village Manager Jones
(Pages 14 – 20)
5. Review of October 25 Village Board Meeting Agenda
6. Ethics Policy Discussion – Village Manager Jones
(Pages 21 – 41)
7. Other items?
8. Adjournment

MEMORANDUM

DATE: September 30, 2010

TO: Steve Jones, Village Manager

FROM: Jon Batek, Finance Director 

COPY: Dawn Bussey, Director, Glen Ellyn Public Library
Larry Noller, Assistant Finance Director

SUBJECT: 2010 Property Tax Levy

We will begin formally discussing the upcoming 2010 Village property tax levy at the Village Board Workshop meeting on October 18th. The statutory deadline for filing the 2010 levy with the County Clerk is not until the last Tuesday in December, so there should be ample time to have a thorough discussion on this matter prior to final approval. The purpose of this memo is to provide background information and some preliminary figures to aid in any philosophical discussions we may wish to have with respect to the levy.

Background Information

The Village collects property taxes for two basic purposes:

1. **Operations & Capital (63%)** About **46%** of our 2009 total property taxes (received in 2010 in our FY10/11 budget) are an operating revenue of our **General Fund** to help pay for basic government services. Specifically, the annual levy ordinance references "Police" services as the designated purpose for this portion of the levy. In terms of total General Fund revenues, property taxes make up about 18% of the total, which is fairly consistent on a historical basis.

Beginning in 2008, we began a process whereby property tax dollars which were previously used to retire debt would be "reassigned" to a general purpose levy to benefit the **Capital Projects Fund** as bonds and related debt service are retired. This was part of a major campaign which took place in 2008 by the Capital Improvements Commission to fill significant gaps in our 20 year street improvement program and to change our capital financing program to a pay as you go basis. This plan will continue for the next several years as our remaining property tax supported debt is retired through 2014. About **17%** of our 2009

total property taxes received in our current 2010/11 fiscal year are applied to the Capital Projects Fund for public infrastructure improvements.

2. **Bond Payments (37%)** The remaining 37% of property tax dollars received by the Village are earmarked to pay off previously voter-approved general obligation bonds used to fund street, storm sewer, and water and sanitary sewer system improvements. All Village bonds currently outstanding which are supported by property taxes relate to the 2000 \$18 million street and storm sewer referendum and were issued in three installments in 2001, 2002 and 2003. These 10 year obligations will be retired by 2014.

Historical Property Tax Philosophy

Recall that the Village has traditionally made efforts to minimize its reliance on property taxes. Since Glen Ellyn became a home rule unit of government in 1994, we have elected to self-impose the restrictions placed on non-home rule communities which are contained in the Property Tax Extension Limitation Law (PTELL), what we typically refer to as the **property tax caps**, or the **tax cap law**.

Remember that our actions to “reassign” expiring debt to increase on-going property tax funding in our Capital Improvements Fund for road improvements is a technical departure from the historical philosophy of self-imposing tax caps as this action does in fact require the Village to utilize its home rule powers to complete. However, but not for this exception, we continue to calculate any base levy increases with the objective of limiting ourselves to increases which would only be allowed by non-home rule or tax capped communities.

Village and Library Levies Combined

Based on how our Library is established under State statutes (it is not an independent Library District), the Library Board, although separately elected, has no direct taxing authority. As a result, the Library’s levy must be approved by the Village Board in connection with the Village’s property tax levy. The Library’s property taxes, and tax rate, are however itemized separately on the property tax bill prepared and mailed by DuPage County.

Historically, the Library has followed the same methodology as the Village in computing its property tax request, which has typically been approved in the form of a resolution each September and forwarded to the Village for consideration and inclusion in its property tax levy. This item is attached as **Exhibit 1**.

2010 Preliminary Tax Levy Information

Preparation of this first look at the proposed 2010 property tax levy (to be received in Summer/Fall 2011) continues our practice of calculating the levy based on what we would expect to collect were we subject to the state tax cap rules (which apply to all local government entities except home rule municipalities).

Under the State tax cap rules, the Village may increase its 2010 “operating” levy by the lesser of:

1. 105% of the 2009 taxes extended by DuPage County (excluding debt), **OR**
2. The amount of growth in the Consumer Price Index (CPI, which is 2.7% for 2010) plus new growth (defined as new construction plus annexation which we estimate to be about **1.5%**).

Our annual tax levy is divided into operating and debt service components. Note that property taxes needed for the payment of Village bonds are not included within the tax cap calculations.

In addition to CPI, we are permitted under the tax cap rules to “capture” new growth for the year, that being new value which comes into the Village either through annexation or new construction. The attached schedule (**Exhibit 2**) illustrates changes in the Village’s total EAV (equalized assessed valuation) over the past 10 years and breaks out the increases in value through the normal assessment process and through new growth.

Thus, for purposes of determining a levy inflation rate we used a 2.7% CPI factor plus a 1.5% growth assumption resulting in a net levy increase of **4.2%** above 2009’s property taxes extended.

Preliminary Tax Levy Calculation (Exhibit 3)

Village Operating Taxes for 2010

In 2008, we added a second component to our operating levy for the benefit of our Capital Programs Fund and street improvement program. For 2010, the total debt service requirement is reduced by approximately \$490,000.

When we apply a 4.2% base increase to both components of the operating levy (General Fund and Capital Projects Fund) and add the \$490,000 reduction in debt service to the capital component of the operating levy, the proposed total operating levy is calculated as shown in the table below and results in an aggregate Village operating levy increase of 17.3%.

	2009 Taxes Extended	2010 Proposed Levy	\$ Inc / (Dec.)	% Inc / (Dec.)
Operating – General Fund	\$2,746,262	\$2,862,000	\$115,738	4.2%
Operating – Capital Projects Fund*	<u>989,180</u>	<u>1,521,000</u>	<u>531,820</u>	53.8%
Total Operating Levy	<u>\$3,735,442</u>	<u>\$4,383,000</u>	<u>\$657,558</u>	17.3%

* 4.2% base increase plus \$490,274 reduction in debt service portion of levy.

Based on our traditional methodology of preparing the tax levy, the total dollar increase in the levy for General Fund operating purposes is approximately \$115,700.

For point of comparison and illustration, our actuarial required contribution to the Police Pension Fund for FY11/12 will increase by \$93,000 over our current year budget which is supported by the 2009 tax levy. So ... 80% of the proposed General Fund levy increase of \$115,738 will be consumed by the increase in this one line item of the General Fund budget. I will add that there is great likelihood there will not be the type of increase in the home rule sales tax (if there is any at all!) which would cover this funding requirement increase.

Village Debt Taxes for 2010 – As mentioned previously, the Village’s total obligation for debt service on previously voter approved bonds is scheduled to decrease next year by about \$490,000. See **Exhibit 4** for a detailed schedule of debt payment obligations to be paid from the 2010 levy. Note that this will be adjusted to a slight degree pending the results of the impending 2010 refunding bond sale authorized by the Village Board on October 11. **Exhibit 5** itemizes future debt service payments and identifies approximately \$1.7 million to be brought into operating funds for the street program over the next three years (following the 2010 levy) based on the changes approved. Total property taxes to be collected for debt retirement purposes next year will decrease by 23.4% from 2009 taxes extended.

Total Village Property Taxes for 2010 – When we combine all operating and debt levies, the total Village property tax for 2010 (excluding Library) will increase by about \$134,900 or 2.3% above property taxes extended in 2009 as shown below:

	2009 Taxes Extended	2010 Proposed Levy	\$ Inc / (Dec.)	% Inc / (Dec.)
Operating – General Fund	\$2,746,262	\$2,862,000	\$115,738	4.2%
Operating – Capital Projects Fund	<u>989,180</u>	<u>1,521,000</u>	<u>531,820</u>	53.8%
Total Operating Levy	<u>\$3,735,442</u>	<u>\$4,383,000</u>	<u>\$647,558</u>	17.3%
Bond Payments	<u>\$2,191,024</u>	<u>\$1,678,340</u>	<u>(512,684)</u>	(23.4%)
Total Village Levy	<u>\$5,926,466</u>	<u>\$6,061,340</u>	<u>\$134,874</u>	2.3%

The total operating increase of 17.3% in our proposed operating levy will necessitate a public hearing as required by the Truth in Taxation Act since this percentage exceeds 105% of the 2009 taxes extended. As a matter of course, we have traditionally held the public hearing whether or not required each year, as to maximize the opportunity for public information and input into the levy process.

Finally, presented in concert with these materials, are some additional illustrations which are designed to assist in our discussion of the proposed tax levy at Monday evening's workshop. Each year, the property tax levy is perhaps the one action which can have the most profound influence on programs and services to be funded in the upcoming annual village budget. Although this process does not begin in earnest in November/December, staff have identified a number of projects and initiatives which would add value to the services provided to the community, however are beyond our reach in terms of financing them given current resource restraints. Discussion of some of these items/issues could help provide an interesting framework for our discussion about the role property taxes play in the overall budget.

County of DuPage))
 State of Illinois)

Glen Ellyn Public Library Board of Trustees

Resolution 2010-4

RESOLVED that pursuant to Paragraph 6, Section 5/4-10, Chapter 75 Illinois Compiled Statutes, the Board of Library Trustees of the Village of Glen Ellyn at its meeting held September 20, 2010, determined that the amount of money which in its judgment it will be necessary to levy for all library purposes for its fiscal year May 1, 2011 to April 30, 2012 is:

\$3,337,830

of which the sum of the total for corporate purposes is \$3,043,330 and the total for special levies is \$294,500. It is requested that such amount be included in the tax levy ordinance to be adopted by the Trustees of the Village of Glen Ellyn for tax year 2010, said levy to be made pursuant to Section 5/3-5 of said Chapter 75 and pursuant to the provisions of the Illinois Municipal Code, such amount to be received by the Library during fiscal year May 1, 2011 to April 30, 2012.

RESOLVED that pursuant to Paragraph 6, Section 5/4-10, Chapter 75, Illinois Compiled Statutes, the Board of Library Trustees of the Village of Glen Ellyn, at its meeting held September 20, 2010, determined that the fiscal requirements of the Library for its fiscal year May 1, 2011 to April 30, 2012 for corporate purposes are:

	FY 2012 Operating Fund Appropriation	Corporate Tax Levy Tax Year 2010	Other Revenue Sources
Salaries-Regular	\$1,590,000	\$1,577,000	\$13,000
Employee Insurance	\$230,000	\$210,000	\$20,000
Recruiting & Testing	\$800	\$500	\$300
Employee Education	\$35,000	\$20,000	\$15,000
Travel	\$800	\$730	\$70
Professional Services - Village	\$6,000	\$5,000	\$1,000
Professional Services - Legal	\$8,000	\$5,000	\$3,000
Professional Services - Other	\$12,000	\$10,000	\$2,000
Property & Casualty Insurance	\$30,000	\$25,000	\$5,000
Maintenance Services -Contracts	\$135,000	\$115,000	\$20,000
Maintenance Services -Capital R & R	\$410,000	\$400,000	\$10,000

Telecommunications	\$21,000	\$15,000	\$6,000
Utilities	\$18,000	\$12,000	\$6,000
Postage	\$16,000	\$15,000	\$1,000
Printing	\$15,000	\$13,000	\$2,000
Programs	\$45,000	\$40,000	\$5,000
Adult Materials	\$340,000	\$300,000	\$40,000
Youth Materials	\$128,000	\$110,000	\$18,000
Cancellation Refunds	\$500	\$100	\$400
Lost Materials	\$950	\$0	\$950
Office Supplies	\$45,000	\$40,000	\$5,000
Maintenance Supplies	\$14,500	\$10,000	\$4,500
Equipment	\$64,000	\$40,000	\$24,000
Automation Services	\$105,000	\$80,000	\$25,000
Total Corporate Fund Levy:	\$3,270,550	\$3,043,330	\$227,220

And request that such amounts be included in the 2010 Levy Ordinance to be adopted by the Trustees of the Village of Glen Ellyn, such money to be received during its fiscal year May 1, 2011 through April 30, 2012.

RESOLVED that pursuant to Section 5-5/8, Chapter 75, Illinois Compiled Statutes, the Library Board specifies that the unexpended balance of the proceeds from taxes levied for the purpose herein above received shall be accumulated and set aside, as a specific reserve fund, for any of the purposes set forth in Section 5/5-8, and it is further resolved that the Board will adopt a plan or plans for this fund, which may be amended as circumstances require.

RESOLVED that in addition to the request for levy for corporate library purposes, as approved September 20, 2010 the Library Board requests the following special levies be included in the 2010 Levy Ordinance of the Village of Glen Ellyn, pursuant to Paragraph 6, section 5-4-10, Chapter 75, Illinois Compiled Statutes, and Paragraph 6, Section 5-4-14, Chapter 75, and Paragraph 10/9-107, Chapter 745 and Paragraphs 5/7-169 and 5/21-110 of Chapter 401, of the same statutes, such money to be received during its fiscal year May 1, 2011 through April 30, 2012.

	FY 2012 Corporate Operating Fund Appropriation	Tax Levy Tax Year 2010	Other Revenue Sources
Social Security (FICA)	\$125,000	\$120,000	\$5,000
IMRF	\$160,000	\$155,000	\$5,000
Audit Services	\$5,000	\$4,000	\$1,000
Liability Insurance, Workers	\$20,000	\$15,500	\$4,500

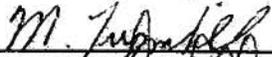
Compensation, Unemployment
Compensation

Total Special Levies:	\$310,000	\$294,500	\$15,500
Total ALL Revenue Sources	\$3,580,550	\$3,337,830	\$242,720

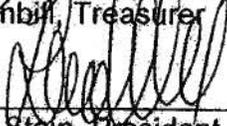
The Library Board specifies that the unexpended balance of the proceeds received from each special levy indicated above shall be retained for use only as permitted for each levy.

Ayes: 6 Nays: — Absent: 1

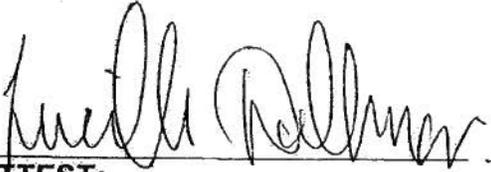
APPROVED by the Board of Library Trustees, September 20, 2010.



Mark Luginbill, Treasurer



Lawrence Stein, President



ATTEST:

Lucille M. Dallman, Secretary

Exhibit 2

Village of Glen Ellyn
History of EAV Growth
Last 10 Years

Per Township Assessor

Tax Year	Levy Collected in FY	CPI Incr.	Total EAV	Total EAV Increase %	Base Growth	New Constr. +	Annexation	New Growth	Base Growth %	New Growth*
									%	%
Estimated - Oct. 2010										
2010	FY11/12	2.70%	1,455,500,000	-2.1%	(51,947,475)	(20,000,000)	(1,000,000)	21,000,000	-3.7%	1.5%
Actual										
2009	FY10/11	0.10%	1,486,447,475	0.4%	(4,402,198)	(10,978,720)	-	10,978,720	-0.3%	0.7%
2008	FY09/10	4.10%	1,479,870,953	6.5%	59,464,119	(31,350,760)	(151,760)	31,502,520	4.3%	2.3%
2007	FY08/09	2.50%	1,388,904,314	10.5%	101,955,002	(27,304,590)	(2,646,280)	29,950,870	8.1%	2.4%
2006	FY07/08	3.40%	1,256,998,442	8.2%	75,257,139	(18,210,100)	(2,014,620)	20,224,720	6.5%	1.7%
2005	FY06/07	3.30%	1,161,516,583	9.3%	78,387,019	(18,612,770)	(2,117,528)	20,730,298	7.4%	2.0%
2004	FY05/06	1.90%	1,062,399,266	8.8%	63,694,155	(20,754,310)	(1,585,640)	22,339,950	6.5%	2.3%
2003	FY04/05	2.40%	976,365,161	12.3%	84,503,739	(22,389,940)	(427,290)	22,817,230	9.7%	2.6%
2002	FY03/04	1.60%	869,044,192	8.9%	54,681,750	(14,816,530)	(1,811,380)	16,627,910	6.9%	2.1%
2001	FY02/03	3.40%	797,734,532	8.9%	45,609,227	(19,304,580)	(195,710)	19,500,290	6.2%	2.7%
2000	FY01/02	2.70%	732,625,015	5.4%	17,350,360	(19,955,605)	(125,170)	20,080,775	2.5%	2.9%
10-Year Average									5.8% + 2.2%	
									7.9%	

* New construction plus annexation.

VILLAGE OF GLEN ELLYN
ESTIMATED 2010 PROPERTY TAX LEVY

(Collected in 2011)

	2009 Taxes <u>Extended</u>	2010 Proposed <u>Levy</u>	\$ <u>Inc/(Dec)</u>	% <u>Inc/(Dec)</u>
VILLAGE LEVY:				
Operating - General Fund	\$ 2,746,262	\$ 2,862,000	\$ 115,738	4.2%
Operating - Capital Fund	<u>989,180</u>	<u>1,521,000</u>	<u>531,820</u>	53.8%
Total Operating	3,735,442	4,383,000	647,558	17.3%
Bond Payments	<u>2,191,024</u>	<u>1,678,340</u>	<u>(512,684)</u>	-23.4%
Total	5,926,466	6,061,340	134,874	2.3%
LIBRARY LEVY:				
Operating	\$ 3,203,295	\$ 3,337,830	\$ 134,535	4.2%
Bond Payments	<u>489,041</u>	<u>511,328</u>	<u>22,287</u>	4.6%
Total	3,692,336	3,849,158	156,822	4.2%
TOTAL, VILLAGE AND LIBRARY				
Operating	\$ 5,949,557	\$ 6,199,830	\$ 250,273	4.2%
Operating - Capital	<u>989,180</u>	<u>1,521,000</u>	<u>531,820</u>	53.8%
Total Operating ¹	6,938,737	7,720,830	782,093	11.3%
Bond Payments	<u>2,680,065</u>	<u>2,189,668</u>	<u>(490,397)</u>	-18.3%
Total	<u>\$ 9,618,802</u>	<u>\$ 9,910,498</u>	<u>\$ 291,696</u>	<u>3.0%</u>
Abatements	2003 G.O. Bonds	338,220	(Village Links)	
Total Tax Levy Ordinance Amount		<u>\$ 10,248,718</u>		

¹ Total operating increase is subject to required public hearing under the Truth in Taxation Act if percentage increase, excluding debt, is greater than 5.0% of taxes extended in 2009.

Exhibit 4

Village of Glen Ellyn
 Schedule of Bond Debt Service Property Tax Requirements
 Last 4 Tax Levy Years

<u>Village</u>	2007 Levy	2008 Levy	2009 Levy	2010 Levy
2000 GO (Dist 87) to be abated	270,802.50	272,088.75	-	-
2003 GO (Links) to be abated	338,920.00	337,260.00	340,420.00	338,220.00
2001 GO \$4 Mill	504,612.00	512,288.00	494,000.00	-
2001A GO Refunding	1,371,375.00	-	-	-
2002 GO \$9 Mill	1,087,128.76	1,092,098.76	1,089,023.76	1,093,680.00
2003A \$5 Mill	<u>582,750.00</u>	<u>585,625.00</u>	<u>585,625.00</u>	<u>584,660.00</u>
Gross FY06/07 Debt Service	4,155,588.26	2,799,360.51	2,509,068.76	2,016,560.00
1987 20 Year \$10 million abatement pledge	(430,000.00)	-	-	-
2000 GO (Dist 87)	(270,802.50)	(272,088.75)	-	-
2003 GO (Links)	<u>(338,920.00)</u>	<u>(337,260.00)</u>	<u>(340,420.00)</u>	<u>(338,220.00)</u>
Net Village Debt Levy	3,115,865.76	2,190,011.76	2,168,648.76	1,678,340.00
Reduction in Debt Service from PY		925,854.00	21,363.00	490,308.76
		<i>To CPF for Roads</i> →		
Library				
2002 GO (Library Building)	376,956.26	386,456.26	399,856.26	382,350.00
2010 Taxable GO (Library BABs)	-	-	-	<u>128,977.50</u>
Subtotal Library	<u>376,956.26</u>	<u>386,456.26</u>	<u>399,856.26</u>	<u>511,327.50</u>
Gross Village and Library	<u>4,532,544.52</u>	<u>3,185,816.77</u>	<u>2,908,925.02</u>	<u>2,527,887.50</u>

¹ Golf course revenues used to abate property taxes.

Exhibit 5

VILLAGE OF GLEN ELLYN
LONG TERM DEBT
FUTURE PRINCIPAL AND INTEREST PAYMENTS

	FY11	FY12	FY13	FY14	FY15	FY16-FY24	TOTAL
2001 G.O. (10 yr, 2000 Referendum)	494,000	0	0	0	0	0	494,000
2002 G.O. (10yr, 2000 Referendum)	1,089,024	1,093,680	1,095,618	0	0	0	3,278,322
2003 G.O. (20 yr Village Links)	340,420	338,220	340,635	337,358	338,558	2,755,781	4,450,972
2003A G.O. (10 yr, 2000 Referendum)	585,625	584,660	587,700	594,550	0	0	2,352,535
	2,509,069	2,016,560	2,023,953	931,908	338,558	2,755,781	10,575,829

1
2
3
4

Less Planned Abatements: (340,420) (338,220) (340,635) (337,358) (338,558) (2,755,781) (4,450,972)

Total paid by
Property Taxes 2,168,649 1,678,340 1,683,318 594,550 - - 6,124,857

to 2010
Levy

(490,309) 4,978 (1,088,768) (594,550)
2011 2012 2013

- 1 - District #87 purchase of Memorial Park. District #87 pays debt service requirements to the Village.
- 1 - First issue (\$4 million) of 2000 \$18 million referendum bonds for storm sewer improvement projects.
- 2 - Second issue (\$9 million) of 2000 \$18 million referendum bonds for storm sewer improvement projects.
- 3 - Village Links renovation bonds (2003 G.O.) All debt service to be paid from golf course revenues (Recreation Fund).
- 4 - Third (and final) issue (\$5 million) of 2000 \$18 million referendum bonds for storm sewer improvement projects.

Debt Limits - The Village, under its home rule authority, does not have a legal debt limit.



To: President & Village Board
From: Steve Jones, Village Manager
Date: October 12, 2010
Re: **Tax Levy Considerations**

A handwritten signature in blue ink, appearing to be "S. Jones", is written over the "From:" line of the memo.

Background

As we begin discussing the upcoming levy, we are also indirectly beginning the discussion of our budget. The property tax levy is the second largest General Fund revenue, consisting of approximately 18% of the total. Thus, the adoption of the 2010 levy has a tremendous impact upon our FY2011-12 fiscal year budget.

The Village has traditionally limited levy increases to a level that would be allowed under the real estate tax cap. This reflects a maximum of either 5%, or the percentage increase in the consumer price index, whichever is lower. This philosophy has been maintained in order to exercise fiscal restraint, and not be perceived to abuse our home rule powers. For the upcoming levy, this represents a 2.7% CPI, plus a 1.5% new EAV growth factor).

The proposed levy has been prepared following the tradition of limiting our increase to a tax cap scenario. This will result in a General Fund budget that will likely see marginal increases in total resources. In other words, the FY2011-12 budget will continue to be a spending plan that is limited in its ability to do more.

Despite the above funding limitations, I requested the management team to identify any critical needs they felt should be considered as we begin the levy/budget process. The items identified are attached as exhibit 1.

You should know that a 1% increase in the operating portion of the General Fund tax levy would result in revenues of \$27,500.

Issues

During the past two budget cycles, our organization has been in cutback mode, focusing upon the maintenance of core services. We have eliminated positions, deferred some capital related expenses and held the line on new initiatives. Due to

these actions, supplemented by the implementation of a 1% home rule sales tax we have weathered the storm and our overall financial position remains strong.

Although I believe we are through the worst of it, the return of "modest" revenue growth is unlikely for a number of years. Thus, the anticipated revenues will require that we maintain the conservative approach taken during the past two budget cycles.

Over the past year the President & Village Board have expressed some frustration regarding the inability to fund some priority projects or undertake enhanced services. In addition, several departments are feeling the strain of diminished resources. In this context, the team has put together the attached list of items that warrant review and discussion.

Action Requested

This material is being presented to the President & Village Board for informational purposes as we consider the levy and upcoming budget. Since there will be a number of levy discussions at future workshops and board meetings, this general topic can be referred to in those discussions.

The key is to provide a clear understanding that new service expectations and new projects will require new resources (or the re-direction of resources from the elimination of current services/projects). If we seek to implement new services or projects in the upcoming fiscal year, the tax levy process provides an opportunity for funding.

Recommendation

It is my recommendation that we maintain the tax levy philosophy and plan for a third fiscal year of limited resources. While this may limit our ability to accomplish projects or activities (and unfortunately continue the frustration and strain previously mentioned), it will insure that we maintain a sustainable level of service delivery, and not compromise our property tax cap tradition.

Attachments

Exhibit 1 – List of needs identified by the President/Village Board and management team.

Supplemental Agenda Information Village of Glen Ellyn

Agenda Item Supplemented by Commentary

- X Pros & Cons
- X 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 and cons associated with increasing the tax levy to fund new or expanded community needs are identified below:

Pros

- If community needs are not being met to a degree expected by the Village, we have a responsibility to meet those needs.
- The tax levy is the most significant general fund revenue that we can control.

Cons

- The tradition of holding levy increases to the CPI, plus growth is sacred.
- The timing of a levy increase above the voluntary cap could be questioned due to the general state of the economy, coupled with last year's increase in the library levy for building needs.
- The needs identified do not appear to be pure core services, but enhancements to service.

Needs List
Items Identified by Elected Officials &
Management Team
October - 2010

Personnel Related

Finance Department - Financial Analyst

Salary + Benefit Cost - (\$70,000)

Deliverable: The village finance team has been exceptional in its ability to manage the day-to-day fiscal activities of the organization, while still producing meaningful and timely financial analysis necessary for decision making. Due to both the cyclical nature of the demands placed upon the Finance Department, as well as the overall workload, the team resources have not been able to focus upon the long-term financial planning.

Development of a five-year financial plan, development of a comprehensive capital plan, adequate staffing of Finance Commission initiatives, strategic/collaborative purchasing and a host of special projects typically takes a secondary priority to day-to-day needs. If we seek to take finance to the next level on a consistent basis, such a team addition would be necessary.

Administration - Part-time Public Information Officer

Salary + Benefit Cost - (\$30,000)

Deliverable: Over the past year there has been discussion seeking to increase our level of resident communication; increase reporting and timeliness of local items of interest; initiate the use of social media; create a community events calendar, etc. The funding and hiring of an individual to focus upon this area of responsibility would provide a more timely, consistent and content-rich work product. At present, this function is performed by several individuals, and competes with other organizational priorities. If the current level of output is not deemed appropriate for the community, the creation of this new position would appear to be warranted.

Police – Police Officers

Salary + Benefit Cost – (\$82,000 per Officer – 3 vacant positions)

The Village Board previously approved an increase in the number of officers based on several factors including, but not limited to: calls for service, growth of Village boundaries and officer activities. We had only filled two of the five approved positions

and have since left the two approved, plus one, remain vacant. Gaining those positions will allow us to aggressively pursue illegal drug violations in our community and re-create a specific traffic officer to focus on detailed assignments. Both of these programs are capable of generating revenue through seized funds and overweight truck citations.

Public Works - Full-time Forester

Salary + Benefit Cost - (\$70,000)

Deliverable: The Village Forestry Division of Public Works has been struggling to maintain a level of customer service expected and deserved by our residents. With only a part-time forester (responsible for all Village forestry matters) and a part-time consulting forester (responsible for all development matters), we simply cannot keep up with demand. With the presence of Emerald Ash Borer and the responsibilities associated with the pending loss of our 1,900 ash trees, management of our urban forest has fallen behind the curve. Our current part-time forester is responsible for management of our landscape maintenance, tree removal, tree pruning, tree fertilization, EAB removals, and our EAB treatment contracts. She also is tasked with the update of our two TPO's with assistance from the Environmental Commission. Performing all these tasks while still attempting to respond to consistent resident inquiries and work orders has led to a state of poor customer service. One of the biggest complaints received by Public Works from our residents is response time and communication from our Forestry Division. With only a part-time position, improvement is difficult at best. With the addition of a full-time forester position, we could better management of our contracts and re-focus on providing prompt and quality customer service in a village that truly values and loves their urban forest.

Public Works - Operations Supervisor

Salary + Benefit Cost - (\$75,000)

Deliverable: The addition of an Operations Supervisor would complete the 2006 Public Works Reorganization Plan. Hit hard by the 2006 Early Retirement Incentive (ERI) Program, a reorganization plan was developed (recommendation attached). The Operations Supervisor position was put on hold until funding could be identified. The Operations Supervisor provides the missing link to our Department that was intended to be proactive and responsive to customer inquiries and requests. The Operations Supervisor would allow us the opportunity to develop our Work Management system with ultimate goals of providing web/mobile based service requests and real time work order tracking. We envision this position taking the necessary steps to get us in position to be connected with the public utilizing mobile technology and web-based updates. This enhancement would drastically improve communication and transparency between the Public Works Department and the resident of Glen Ellyn.

Public Works - General Staffing

Salary + Benefit Cost - (to be determined)

Deliverable: Over the past four years, we have experienced an increase in our overall expectations while also reducing our resources. Examples of our increased expectations

and work load include more special events, maintenance of new properties (Historical society, 825 N. Main, annexations), increased infrastructure assets (storm sewers, manholes, catch basins, etc.), EAB Management Plan, and many storm/flood related projects. As we look to the future, we see the potential for additional annexations (Hill Ave. Bridge agreement), a possibility of increasing our snow removal services to include CBD sidewalks, a potential Storm Utility management that will require additional resources, and Manor Woods maintenance. I mention this only as a request to keep this in mind as we continue to add more and more responsibilities to our already struggling workforce. The morale of our workforce is not high and continuing to increase expectations without providing the necessary resources will not help improve the situation.

Public Works - Civil Engineer/GIS Technician

Salary + Benefit Cost – (\$60,000)

Deliverable: The second component to the improvement of communication and transparency within Public Works and the development of web/mobile technological enhancements includes the development of our GIS. Integrated within our Work Management system, GIS would provide opportunity to manage Village assets and share our information with interested parties. Our Work Management System is capable of utilizing GIS in conjunction with mobile apps to allow residents to report issues and requests through their mobile devices and smart phones right to our crews in the field.

Other Items

Manor Woods Project

Cost - Short term (\$25,000) / Long term (up to \$500,000) / Annual maintenance (\$20,000)

Deliverable: There has obviously been quite a bit of discussion over the past two years regarding the condition of Manor Woods. The Village Board has indicated a commitment to get the Woods open to the public again. Based off our recent research, it will cost approximately \$25,000 to provide contracted services to make the canopy over the existing paths safe again. It should be noted that this cost does not address the remaining canopy of the Woods and our intent would only be to re-open the paths and continue to restrict access to the non-path portion of the Woods. Consideration and decisions must be made regarding the long term plans for the Woods. Past research indicated that large scale restoration of the Woods would range from \$250,000 to \$500,000. Grants may be possible, but only if drastic improvements are proposed. Consideration must also be given to ongoing maintenance of the paths, as we do not want to see the Woods revert to current condition. We estimate that \$20,000 will need to be funded for ongoing maintenance of the paths.

CBD Contracted Sidewalk Snow Removal

Cost – (\$70,000 per year)

Deliverable: A topic of frequent discussion over the past two years has been an increase in service level for snow removal in the CBD. The Village Board recently commented that something needs to change for next year. This service increase would be beyond our current capabilities and require additional resources.

Please note that maximizing the CBD SSA from 12.5 to 15.0 cents would generate an additional \$10,600 in new revenues.

Work Management/GIS Development

Cost – (\$40,000 per year)

Deliverable: Possessing and utilizing a developed Work Management System has proven to improve efficiencies within a workforce and provide real return on investments (ROI). Our current system was developed in house by a former employee, has many performance issues and bugs, and is unsupported. We have recently invested in a new work management system that, if developed properly, can show results on efficiency immediately. The system will allow us to track work more efficiently while identifying areas needing improvement. The new program will eliminate redundancies currently taking place and allow the opportunity to provide real data to our management team, elected officials, and ultimately the residents. Our ultimate goal would be incorporate GIS into our work management system to provide not only work tracking, but asset tracking that will be accessible in both database and visual mapping format. These two systems developed properly and in combination will provide an opportunity for live/real-time tracking of our operations that can be shared with residents through mobile/web technology. A working system will improve communication, customer service, accountability, transparency, and efficiency of our Department, and ultimately the Village.



To: President & Village Board
From: Steve Jones, Village Manager
Date: October 11, 2010
Re: **Ethics Policy**

A handwritten signature in black ink, appearing to be "Steve Jones", is written over the "From:" line of the memo.

Background

Over the past several years, the Village Board has had discussions regarding the potential adoption of an ethics ordinance. This was a topic of discussion with the both the past and current Board of Trustees, and was adopted by the current Board as a top goal in the strategic plan.

A number of existing sources of ethical guidance presently exist within the organization and are attached as exhibits 2-4. In addition, there are state statutes pertaining to ethical conduct. *I would recommend that we create a single document that would function as an ethics policy.* This would consolidate the provisions of the stated documents and create a more comprehensive resource for reference purposes as well as future training.

I have utilized provisions and language from ethics policies found in other communities, and incorporated suggested language from elected officials.

Issues

The material enclosed is intended to accomplish the following goals:

1. Provide a more reader friendly ethics document that can be easily understood by those affected.
2. Expand our organizational expectations beyond what is required by state law, and address the issue of ethical conduct.
3. Define a specific process for investigating ethical complaints, and providing applicable penalties.
4. Provide our expectations for maintaining an ethical and value-driven organizational culture.

Hopefully, this will lead to an appropriate document that can bring Glen Ellyn to a leadership role with regard to ethics.

Action Requested

Discussion of the provisions of the draft *Glen Ellyn Ethics Policy*.

Recommendation

Eventual approval of the *Glen Ellyn Ethics Policy* via ordinance, and inclusion in the Village Code

Attachments

Exhibit 1 – Draft *Glen Ellyn Ethics Policy*

Exhibit 2 - Title 1, Chapter 7, Section 22 of the Village Code of Glen Ellyn, which adopts relevant sections of the "State Officials and Employees Ethics Act" that apply to local officials. These sections (also attached) address prohibited political activities and the gift ban.

Exhibit 3 - Village Resolution 85-7, "A Resolution Relating To Guidelines For Official Conduct," which, like the Ethics Act referenced above, applies to both elected and appointed officials.

Exhibit 4 - Chapter 9 of the Village Employee Manual entitled "Employee Conduct."

Supplemental Agenda Information Village of Glen Ellyn

Agenda Item Supplemented by Commentary

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

Comments:

Pros and cons associated with adoption of a comprehensive ethics policy are:

Pros

- Adoption makes a statement that the elected and appointed officials of the Village are committed to do what is in the best interest of the community.
- Comprehensive ethics policy consolidates a various provisions found elsewhere and provides a user-friendly document for reference, easy understanding and future training.
- Provides an enforcement tool for situations that may warrant follow-up action.

- There is a general distrust of government. Adoption communicates to our residents that we understand the negative climate and demonstrate we are taking local steps to maintain confidence in our local government.

Cons

- Ethics enforcement is always difficult due to the fact it deals with intent.

1

Glen Ellyn Ethics Policy

(Draft Sept 2010)

I. 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 officials. Accordingly, all members of the Village Board, advisory commissions and boards, and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties. All shall avoid any improprieties in their roles as public servants, 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 an official is placing his or her interests above the public interest.

The Village of Glen Ellyn and its elected and appointed officials share a commitment to ethical conduct in service to the community. The purpose of this ethics policy is to ensure that all officials have clear guidance for carrying out their roles and responsibilities.

II. Application of Laws & Policies

All elected and appointed officials of the Village of Glen Ellyn are subject to the provisions of this ethics policy and applicable state law addressing ethics. Appointed officials include both volunteer members of advisory boards and commissions as well as employees. In addition, Village employees are also subject to the provisions of the Village of Glen Ellyn *Personnel Manual* including any provisions that pertain to ethical behavior.

III. Definitions

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

FAMILY RELATIONSHIP: Any relationship (by blood or by marriage) of spouse, parent, child, sibling or domestic partner.

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 official or employee, the spouse or minor child of such official or employee, or any other person with a family relationship with such official or employee

owning or sharing the same household as the official or employee. 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 employment or the official position of an employee or official.

NON-FINANCIAL INTERST: Any non-financial consideration that is substantial enough to affect an official's judgment or that could lead to the appearance that the official'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 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, pending before the village, with respect to which an official or employee performs an official act or action.

IV. Conflicts of Interest.

All elected and appointed officials shall avoid situations that present a conflict of interest, or a potential conflict of interest. It is the responsibility of all village officials 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 official or employee shall participate in any official 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 official or employee shall recuse himself or herself in connection with any transaction that comes before such official or employee in the course of his or her official duties, whenever such official or employee 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 official or employee in an official capacity, even if the official or employee 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 official or employee shall promptly provide written notification, within forty-eight (48) hours, to the appropriate authority of such conflict and the official's or employee's recusal from any official action with respect to the transaction, as follows:
1. Employees 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 village trustee shall notify the village president, village manager and the other members of the board of trustees.
- d. **Nonappearance**: No official 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 & Disclosure**: Any official 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 official serves as a member, either: 1) shall not appear or participate in any way or manner in any village proceeding 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 village officials present an image of objectivity and fairness in all official

actions. Village officials 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 to the Ethics Officer. When required, the Ethics Officer will determine if an actual conflict exists.

V. Gift Ban.

No village official or immediate 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 official accept any prohibited gift, favor or consideration of value that may influence, or has the appearance of influencing an official in the performance of their public duties.

- a. ***Prohibited gifts.*** Except as otherwise provided in this Article, no official 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 official. 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 official 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 official has reason to believe that, under the circumstances, the gift was provided because of the official's position and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship the official 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 official 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 official the individual who gave the gift also at the same time gave the same or similar gifts to other officials.
6. Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an official from another official of the village, and "inter-governmental gift" means any gift given to an official by an official of any other governmental entity.
 7. Bequests, inheritances, and other transfers at death.
 8. 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.
 9. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.
 10. Each of the exceptions listed in this Section is mutually exclusive and independent of one another.
- c. **Gift ban; disposition of gifts.** An official does not violate this Act if the official 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.

VI. 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 village official 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.

VII. Treatment of Confidential and Sensitive Information

No official shall disclose or improperly utilize any confidential information without prior authorization. Authorization for disclosure by elected officials 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.

VIII. Use of Authority/Influence

- a. **Use of Position to Influence Employment for Others.** No elected official 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 village official shall directly or indirectly obtain or seek to obtain preferential treatment for himself or herself or any other individual or entity. Village officials shall follow the same rules, regulations and processes that is applicable to the general public.
- c. **Use of Position to Misrepresent Official Policy.** No village official shall utilize his or her role to misrepresent the policy or position of the Village of Glen Ellyn.
- d. **Interaction with Staff.** The Village Manager is responsible for the day-to-day operations of the organization. Elected officials need to be sensitive to the role of

the Village Manager and staff, and direct policy related matters through the Village Manager's Office.

- e. ***Discrimination.*** No village official 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.

IX. Statement of Economic Interest.

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

X. Representation Following Village Service

For a period of two (2) years after his or her official capacity has ceased, no person serving in the following capacities may act as agent, consultant, or attorney for any other party's request for consideration from the Village:

- Village President
- Village Trustee
- Village Manager
- Village Department Heads
- Village Attorney
- Village Prosecutor
- Village Engineer

XI. Ethics Officer

The Village Attorney shall serve as the Ethics Officer for the Village. In this capacity, the Ethics Officer shall be responsible to conduct an investigation regarding any complaints received against any elected official, member of a volunteer board or commission, or the Village Manager. 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 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 shall conduct the necessary investigation and resolve the complaint as a disciplinary matter utilizing the provisions of the Personnel Manual.

XII. Filing an Ethics Complaint

The Village Clerk is authorized to receive and maintain any ethics complaint made against any village official. If the complaint is against an elected official, 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.

XIII. Penalties

Any person who violates any provision of this policy may be fined in an amount not to exceed \$1,000. Each violation shall be considered a separate and distinct event.

✓ 1-7-22: STATE OFFICIALS AND EMPLOYEES ETHICS ACT:

(A) The regulations of section 5-15¹ and article 10² of the state officials and employees ethics act, 5 Illinois Compiled Statutes 430/1-1 et seq. (hereinafter referred to as the "act" in this section) are hereby adopted by reference and made applicable to the officers and employees of this governmental entity to the extent required by 5 Illinois Compiled Statutes 430/70-5.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the act by any officer or any employee is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or an employee is hereby prohibited.

(D) The participation in political activities prohibited under the act by any officer or employee is hereby prohibited.

(E) For purposes of this section, the terms "officer" and "employee" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c).

(F) The penalties for violations of this section shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the act.

(G) This section does not repeal or otherwise amend or modify any existing enactment which regulates the conduct of officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this section, however, the provisions of this section shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a).

(H) Any amendment to the act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption shall not be incorporated into this section by reference without formal action by this governmental entity.

(I) If the Illinois supreme court declares the act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois supreme court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action if the act is found unconstitutional by the Illinois supreme court.

(J) If the Illinois supreme court declares part of the act unconstitutional but upholds the constitutionality of the remainder of the act, or does not address the remainder of the act, then the remainder of the act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the act found unconstitutional shall be deemed repealed without further action by this governmental entity.

(K) A violation of any provision of this section shall be punished through the bringing of a quasi-criminal judicial complaint by an attorney chosen in the manner provided by law for this

governmental entity. That prosecutor shall utilize prosecutorial discretion in enforcing this section and may seek such penalties for a violation of this section as are allowed to be sought under local or state law. (Ord. 5260, 5-17-2004)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: 5 ILCS 430/5-15.

Footnote 2: 5 ILCS 430/10-10 _ 10-40.

RESOLUTION # 85-7

A RESOLUTION RELATING TO GUIDELINES FOR OFFICIAL CONDUCT

WHEREAS, it is in the best interest of the Village of Glen Ellyn to set forth a standard of conduct for Village officials and employees; and

WHEREAS, the President and Board of Trustees desire to help ensure that all elected and appointed officials of the Village of Glen Ellyn conduct themselves to the full credit of the Village and its citizens without legal or ethical compromise;

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, ILLINOIS:

SECTION ONE: The following are guidelines for this Village and its officers and employees:

A. The Village of Glen Ellyn, as a public corporation, must demand the highest ethical behavior from all associated with it in the conduct of Village business. Accordingly, what is acceptable in private business may not be proper conduct by elected and appointed officials.

B. Village officers and employees are entrusted with the responsibility to represent and serve all citizens of the Village in preference to any individual or group.

C. Furthermore, all petitioners, applicants, contractors, and others engaging in business with the Village should be treated fairly, impartially and objectively; decisions are made solely on the basis of the merits of the matter rather than on the basis of personalities, favors or other considerations.

D. Among the more sensitive areas of concern are areas such as outside business activity, gifts, meals, travel expenses, stock ownership, use of Village property, and use of privileged information regarding Village matters. It is expected that all officers and employees will do, or cause to be done, only what is in the best interest of the Village regarding such matters as well as others not explicitly mentioned herein.

E. Applicable provisions of State law govern areas such as interests in contracts, real estate and purchases. These provisions are too lengthy for inclusion in this Resolution. It is the expectation of the Village that its officials and employees will familiarize themselves with these provisions and adhere to them.

SECTION TWO: That the Village President and Board of Trustees shall be responsible for determining policies to insure the foregoing, and for resolving matters in which there could be a conflict of interest.

SECTION THREE: This resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED this 15th day of April, 1985.

AYES: Brink, Fred, Olson, Crumbaugh, Hoffield, Dewey

NAYS: - 0 -

ABSENT: - 0 -

Michael R. Jormento

President of the Village of
Glen Ellyn, Illinois

ATTEST:

Wilma D. Lunde
Village Clerk of the Village of
Glen Ellyn, Illinois

CHAPTER 9

EMPLOYEE CONDUCT

9.1 Conduct - All employees are expected to conduct themselves and behave in a manner which is conducive to the efficient operation of the Village. Such conduct includes but is not limited to:

- A. Reporting to work punctually as scheduled and being at the work station, ready for work, at the assigned time.
- B. Notifying the supervisor when the employee will be absent from work or is unable to report on time.
- C. Complying with all Village safety regulations.
- D. Wearing clothing appropriate to the work being performed.
- E. Performing assigned tasks efficiently.
- F. Eating meals only during meal periods and only in designated areas.
- G. Maintaining work place and work area cleanliness and orderliness.
- H. Treating all persons in a courteous and respectful manner at all times.
- I. Refraining from behavior or conduct deemed offensive or undesirable or which is subject to disciplinary action.

9.2 Prohibited Conduct - The following conduct is prohibited and will subject the individual involved to disciplinary action up to and including termination. The following examples are illustrative of the type of conduct that is prohibited, but this list is not all-inclusive:

- A. The use of alcoholic beverages or an illegal controlled substance on Village property, on Village business, at any time during the work day or reporting for work while under the influence of alcoholic beverages or an illegal controlled substance. The sale, manufacture, distribution or use of illegal, controlled substances under any circumstances is prohibited.
- B. The use of profanity or abusive language.
- C. The unauthorized possession of firearms or other weapons on Village property.

- D. Insubordination - the refusal by an employee to follow a supervisor's instruction concerning a job-related matter.
- E. Assault on a fellow employee or customer.
- F. Misuse of Village property or of another's private property.
- G. Gambling on Village property.
- H. Falsifying any Village record or report such as an application of employment, a production record, a time record, or any other employment, personnel, or Village record.
- I. Incompetence or inefficiency in the performance of duties.
- J. Conviction of a criminal offense which involves moral turpitude or relates to the performance of an employee's duties.
- K. Soliciting, inducing or attempting to induce an officer or employee of the Village to commit an unlawful act or to act in violation of any lawful regulation or order.
- L. Taking any fee, reward, gift, gratuity, or other form of remuneration in addition to regular Village compensation from any source for the performance of duties in the capacity of an employee of the Village. ✓
- M. Conduct which brings discredit on the Village service. ✓
- N. Dishonesty in the performance of his duties. ✓
- O. Improper political activities during work hours. (See Section 9.6)
- P. Abuse of sick leave or other compensated absences; any unauthorized absence without leave.
- Q. Consistent failure to work overtime.
- R. Verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment.
- S. Use by an employee of the Village's name to further personal interests, without the express prior approval of the Village Manager. ✓
- T. Appropriation and/or use of Village property and resources for the personal gain of the employee, without prior notice to and approval of the Village Manager. ✓

- U. Failure to adhere to the rules of conduct for the position and/or as stated in this Manual.

9.3 Sexual Harassment Policy - It is the policy of the Village of Glen Ellyn that sexual harassment of employees in the work place is unacceptable and shall not be tolerated.

Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature." Sexual harassment may include such actions as repeated offenses of sexual flirtations, advances or propositions, continued or repeated verbal abuse of a sexual nature, graphic or degrading verbal comments about an individual, about his or her appearance, a display of sexually suggestive objects or pictures, or any offensive or abusive physical conduct.

Conduct of this type is improper if: (a) submission to the conduct is either an explicit or implicit term or condition of employment; (b) submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; or (c) the conduct has the purpose or effect of substantially interfering with an individual's work performance or environment.

It is also a violation of this policy to retaliate in any way against anyone who has complained about sexual harassment or discrimination, whether that concern relates to harassment of, or discrimination against, either the individual raising the concern or another individual.

Any employee of the Village of Glen Ellyn who feels that he has been the victim of sexual harassment or retaliation in violation of this policy should notify his department manager or the Personnel Analyst. Such complaint shall be held in strict confidence to the fullest extent possible, although a full investigation including interviewing any witnesses will be conducted. The complaint shall be investigated to determine whether it is justified.

Management and/or supervisory personnel shall take appropriate action when they become aware of sexual harassment. Such action will include an investigation of the charges and may include discipline up to and including termination of the offending employee or employees.

In addition to the internal procedures described above, any employee who believes he/she has been subjected to sexual harassment, or retaliation for opposing such harassment, has the right to file a complaint with the Illinois Department of Human Rights, 100 West Randolph Street, Chicago, Illinois 60601; (312) 814-6245 and/or the Equal Employment Opportunity Commission, Suite 2800, 500 West Madison Street, Chicago, Illinois 60601; (312) 353-2713. The Illinois Human Rights Act provides that complaints of harassment must be filed within 180 days of the alleged incident. A complaint with the EEOC must be filed within 300 days of the alleged incident.

9.4 Public Relations

9.4.1 It is vital that employees of the Village treat citizens in a courteous and respectful manner at all times. Employees should always remember that the citizen comes first, and they are entitled to the same thoughtful treatment that the employees would like to receive. Citizens should not be treated in a condescending or impolite manner and should never be kept waiting an unreasonable amount of time.

9.4.2 Employees should never take a complaint by a person as a personal attack. Use of the word "we" rather than "I" is preferable since employees represent the Village.

9.4.3 Employees should give a rational explanation of Village procedures and practices when handling a citizen complaint. Arguing with an angry person is not acceptable and will only make the situation worse.

9.4.4 It is vital that Village personnel assure a complaining citizen of our desire and intent to provide quality municipal service. In most cases, the person complaining is really trying to help the Village serve him/her better; we should always thank a citizen for taking the time and effort to communicate his problem to the Village.

9.5 Media Relations - The Village tries to cooperate with the media (radio, television, and newspapers) whenever possible. Department Managers or their designee are instructed to be the spokesmen for their respective Departments, giving the media information and aid that the Department Managers feel is appropriate. Employees shall obtain permission from their Department Managers prior to filling speaking engagements or publishing articles as official representatives of the Departments. No employee shall discuss publicly, or for publication, matters pertaining to Village procedures or policies without prior approval of the Department Manager.

9.6 Political Activity - In compliance with the requirements of Public Act 84-1018, the Village does not prohibit any employee from exercising his political rights to engage in political activities, including the right to petition, make speeches, campaign door-to-door, and to run for public office, providing the employee does not use his position with the Village to coerce or influence others and does not engage in these activities while he is on duty at work. ✓

- 9.7 Conflicts of Interest - As a general rule, public employment requires a higher standard of conduct than does private employment. Potential conflicts of interest must always be considered, and situations which create an actual conflict of loyalty or interest or even the appearance of such a conflict must be scrupulously avoided. For further information, please consult the Village's "Guidelines for Official Conduct," which is distributed to all regular employees of the Village. ✓
- 9.8 Drug and Alcohol Testing Program - In order to comply with Federal requirements, any Village employee required to hold a commercial driver's license (CDL) as a condition of employment, shall be tested as set forth in the model policy as prepared by Substance Abuse Management, Inc. in cooperation with the Intergovernmental Risk Management Agency(I.R.M.A.). This policy is adopted by reference, and is on file in the Personnel Division of the Village, and in each Village department.
- 9.9 Privacy Interests - The Village provides various electronic, mechanical and other technical devices to facilitate employees' work for the Village. Such devices include, but are not limited to, computers, fax machines, beepers/pagers, telephones, computer disks, and the like. All Village-owned equipment is solely to be used by employees in the performance of their duties. The Village retains the right to monitor and inspect all Village property and its use, as well as any work product derived there from, including but not limited to computer disks, electronic files, electronic transmissions sent/received via Village devices, billing records in connection thereto, and the like. The Village retains all rights of ownership over Village equipment, as well as the right to inspect same from time to time, including but not limited to desks, lockers, file cabinets, and the like with the sole exception of employees' personal, enclosed belongings (such as purses, handbags, and the like) stored in Village-owned desk drawers or lockers. Village employees are advised that they have no expectation of privacy in any piece of equipment, furniture, tool, electronic device or other piece of apparatus owned by the Village. Any use of Village equipment for personal reasons shall not be permissible unless the employee has received prior authorization from their Department Manager. Any unauthorized use of Village equipment or devices may result in employee discipline, up to and including discharge.