

Agenda
Village of Glen Ellyn
Village Board Workshop
Monday, November 22, 2010
7:00 P.M.
Galligan Board Room
Glen Ellyn Civic Center

1. Call to Order

2. Lombard Boundary Line Discussion – Planning and Development
Director Hulseberg **(Pages 2-15)**

3. Ethics Policy Update – Village Manager Jones **(Pages 16-37)**

4. Other items?

5. Adjournment

MEMORANDUM

TO: Steve Jones, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner *MS*

DATE: November 16, 2010

FOR: November 22, 2010 Village Board Workshop

SUBJECT: Lombard Boundary Line Agreement Amendments

Background. In September of 2010, the Village Board entered into an intergovernmental agreement with the Village of Lombard for repairs to the Hill Avenue bridge. Section 6 of the agreement (see Attachment I) deals with potential amendments to the boundary line agreement with the Village of Lombard. According to the terms of the agreement the parties agree to amend the boundary line in the following ways:

1. To place the properties on the north side of Hill Avenue west of the bridge in Glen Ellyn's planning jurisdiction (see Attachment A).
2. To "allow for the deannexation of the Churchill Woods property from Lombard, at such time as Glen Ellyn is able to provide water and sanitary sewer service to said property and the DuPage County Forest Preserve consents to the amendment" (see Attachment B). Please note that there are additional properties west of Churchill Woods which were not discussed in the agreement but would also logically be located on the Glen Ellyn side of the boundary line. These properties are depicted with hatching on Attachment B.
3. To place a portion of the Great Western Trail in Glen Ellyn's planning jurisdiction upon the request of the Village and contingent upon the approval of DuPage County (see Attachment C).

The agreement further allows us to request that additional properties be transferred to Glen Ellyn's jurisdiction upon the request of Glen Ellyn. Those provisions include:

1. To incorporate certain property west of I-355 into Glen Ellyn's planning jurisdiction upon the request of Glen Ellyn (see Attachment D). Please note that there is a portion of property west of Area D1 that was not discussed in the agreement but which would logically also be located on the Glen Ellyn side of the boundary line if it is amended. These properties are depicted with hatching on Attachment D.
2. To place the Flower Field development in Glen Ellyn's planning jurisdiction if so requested by Glen Ellyn (see Attachment E).

Per the intergovernmental agreement for the bridge, Glen Ellyn is responsible to prepare the amended boundary line agreement and we must forward the agreement reflecting the proposed boundary line amendments to Lombard no later than January 30, 2011. Lombard is then obligated to approve the amendments within 30 days. If Glen Ellyn fails to submit any of the proposed amendments to Lombard by this date, Lombard is released from its obligation to amend the boundary line, including its obligation to place those properties west of the Hill Avenue bridge on Glen Ellyn's side of the boundary line. In order to accommodate this deadline, the planning team has prepared a draft schedule (see Attachment F).

Issues. The planning team is recommending that the Village amend the boundary line to include areas A (the Hill Avenue Properties), B (the Churchill Woods Area), C (the Great Western Trail) and D (the Bemis Road Wastewater Plant and vacant property west of I-355) on Glen Ellyn's side of the boundary line. The planning team believes we should not include area E (Flower Field) on Glen Ellyn's side of the boundary line and that the costs to serve this area would be significant. Therefore we are recommending against amending the boundary line to include this area. A map showing the location of the new proposed boundary line is attached (see Attachment G). A table describing the unique characteristics of each area and the reasons for staff's recommendation is also attached (see Attachment H).

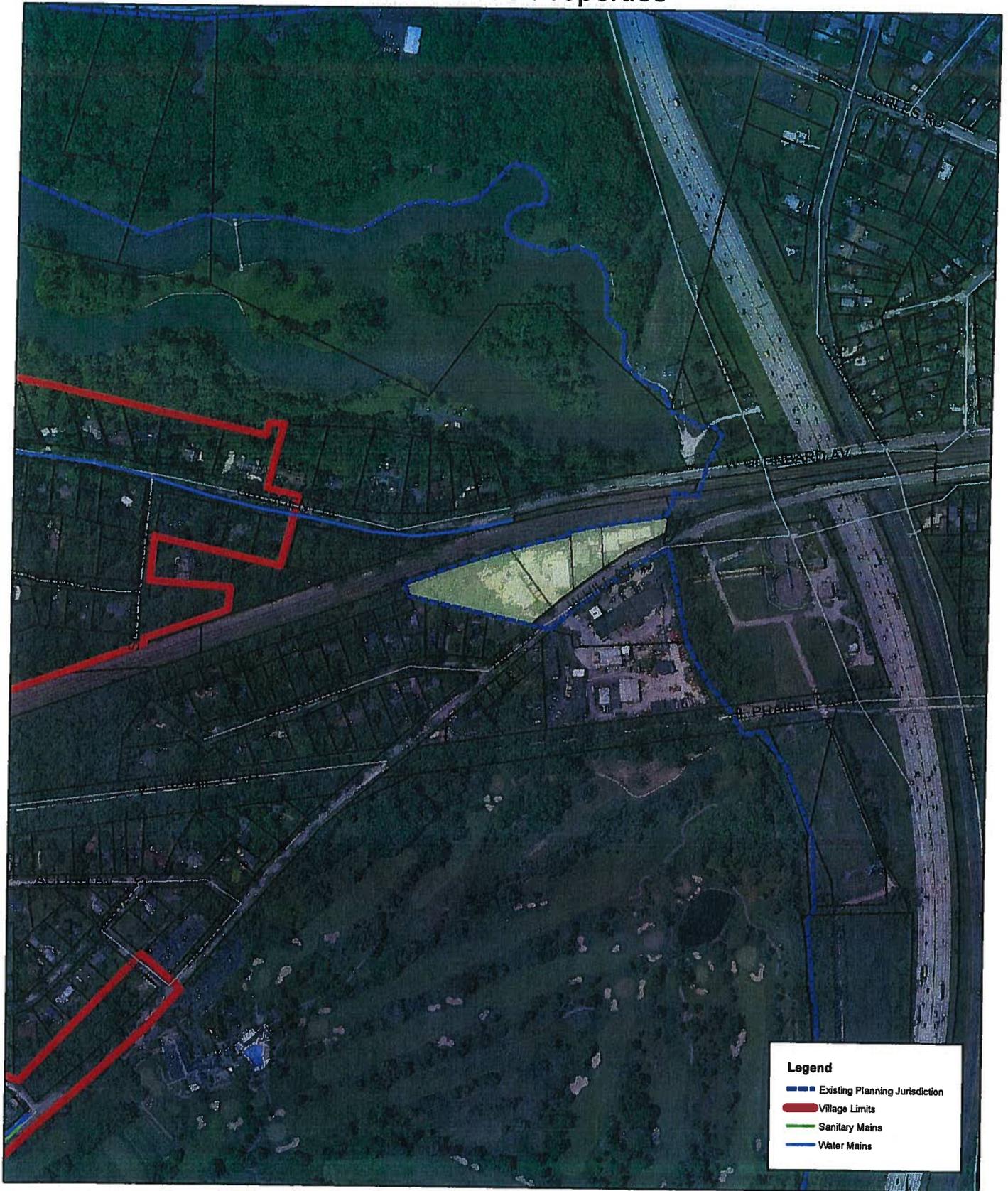
Action Requested. It is requested that the Village Board review the recommendation of the planning team and provide direction about which properties should be included on Glen Ellyn's side of the boundary line. If any of the properties recommended for inclusion on Glen Ellyn's side of the boundary line would require subdivision in order to include only that portion west of I-355, direction is also requested from the Village Board regarding whether or not the subdivision of these properties should be pursued. Please note that staff time would be required to coordinate with property owners and create any necessary agreements. Costs would likely be involved for attorney fees and plat preparation as well. Once we obtain direction from the Village Board, we will work with the Village Attorney to draft the boundary line amendment to be acted upon by the Village Board and forwarded to the Village of Lombard within the prescribed time frame.

Attachments: Attachment A – Hill Avenue Parcels west of bridge
Attachment B – Churchill Woods Forest Preserve Properties
Attachment C – Great Western Trail Property
Attachment D – Various Parcels West of I-355
Attachment E – Flower Field Neighborhood
Attachment F – Table
Attachment G – Location of New Proposed Boundary Line
Attachment H – Proposed Schedule
Attachment I – Excerpt from Agreement

C: Stewart Diamond, Village Attorney
Phil Norton, Police Chief
Joe Caracci, Public Works Director
Joe Kvpil, Building and Zoning Official

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Attachment A Hill Avenue Properties



Legend

- Existing Planning Jurisdiction
- Village Limits
- Sanitary Mains
- Water Mains

Prepared By: Planning and Development
Date Prepared: November 16, 2010
Aerial Photo 2009



Attachment B Churchill Woods and Surrounding Area



Prepared By: Planning and Development
Date Prepared: November 16, 2010
Aerial Photo 2009

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Feet



Attachment C Great Western Trail

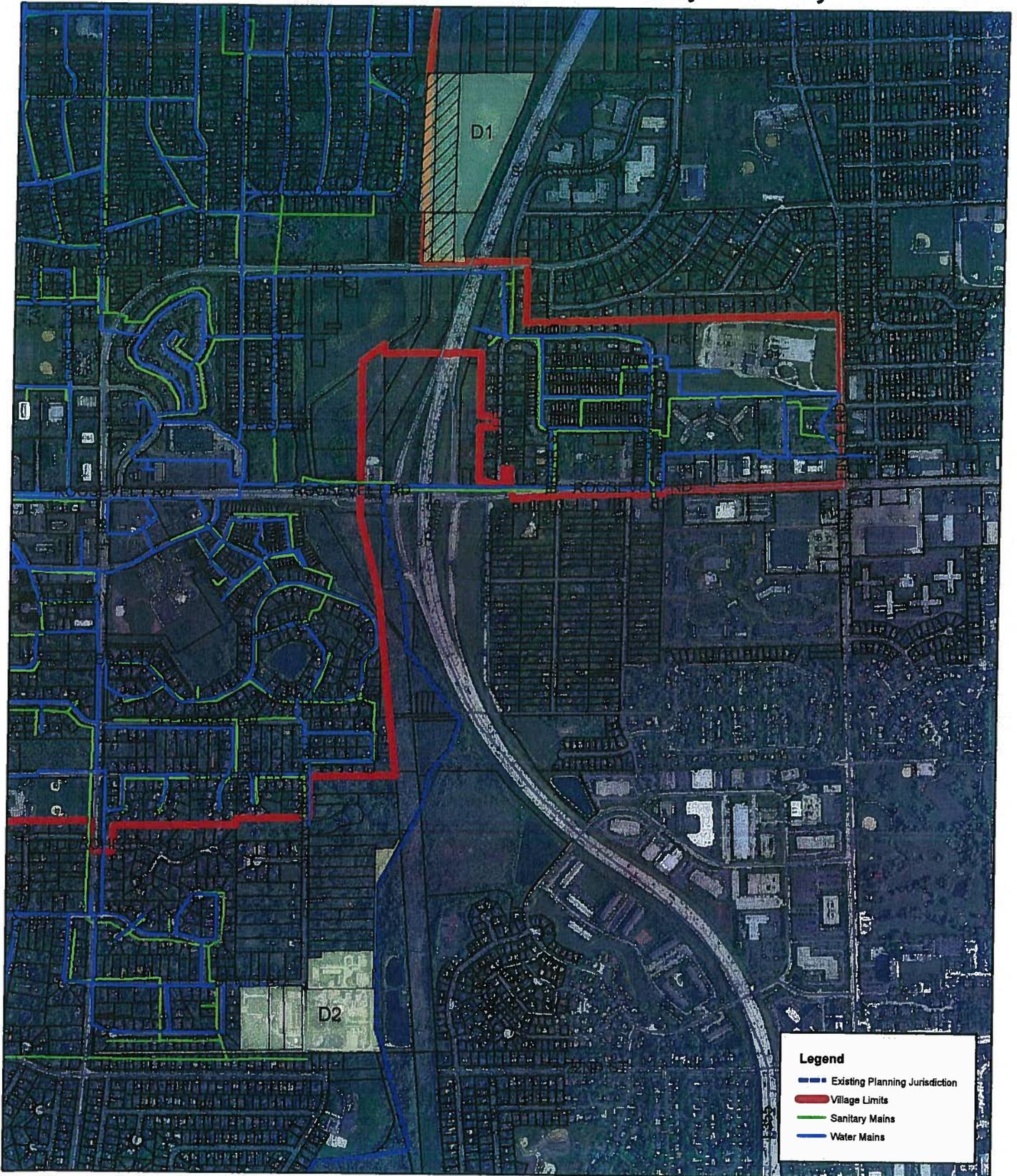


Prepared By: Planning and Development
Date Prepared: November 16, 2010
Aerial Photo 2009

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Attachment D Glenbard Wastewater, Forest Preserve, Tollway Authority and ComEd



Prepared By: Planning and Development
Date Prepared: November 16, 2010
Aerial Photo 2009

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Attachment E Flower Field



Prepared By: Planning and Development
Date Prepared: November 16, 2010
Aerial Photo 2009

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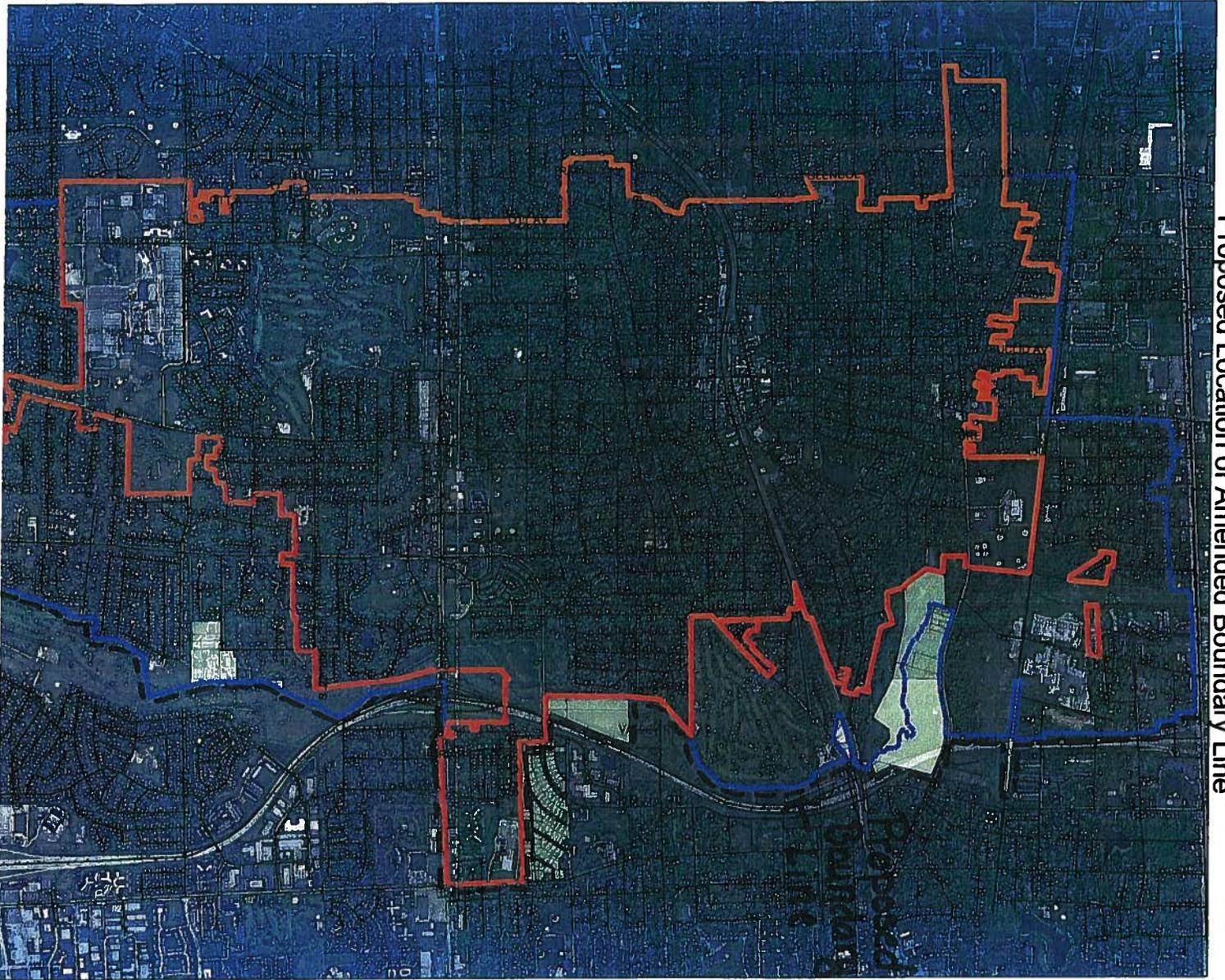
ATTACHMENT F
Boundary Line Recommendations
November 16, 2010

Area #	PIN	Area (acres)	Owner(s)	Utility Extension Issues	General Comments	Staff Recommendation
A	0512207038 0512207032 0512207037 0512207033	3.9	Noorlag Cuyler	Currently served by Lombard utilities. Since properties are already served by utilities. Village would need to pay cost to extend Glen Ellyn utilities to these properties. Closest utilities currently 3,200 feet from east edge of property.	Includes properties north of Hill Avenue west of the bridge. Potential to generate additional property tax revenue. Discussions regarding annexation have already begun with these property owners.	Amend boundary line to include these properties on Glen Ellyn side of boundary line.
B	0512101001 0512202001 0512101003 0512101005 0512101004 0512101008 0512101006 0512101002 0512101007 0512202031	105.02	Forest Preserve District Individual Private Parties	if served by utilities, water extension minimum of 2,100 lineal feet to Churchill Woods guard house, sanitary extension 750 lineal feet.	Churchill Woods Forest Preserve and single-family homes. Churchill Woods property extends over I-355 and would need to be subdivided if we only wanted that portion west of I-355. Would need permission from Forest Preserve to subdivide and Village would need to assume cost. Partially located in floodplain. Annexation requires Forest Preserve District approval and action. Forest Preserve may be willing if there is no cost to them. Cost to Glen Ellyn would be significant to extend utilities to the Churchill Woods guard house. Forest Preserve property is tax exempt. Existing boundary line currently bisects several properties in this area. Opportunity to clean up boundary line and place several parcels wholly within one planning jurisdiction. Single-family homes are more logically associated with Glen Ellyn as they are located on the west side of I-355.	Amend boundary line to include properties on Glen Ellyn side of boundary line. Do not extend utilities unless there is cost participation from property owners since cost to construct would exceed revenue generated.
C	0501403017	2.85	DuPage County Hwy. Dept.	None	Great Western Trail. Would need to subdivide property into two lots if wanted only the portion west of I-355. If don't subdivide would create a "finger" to the east rather than the existing "finger" to the west. Annexation and subdivision would require approval and action by DuPage County. Village would likely need to pay attorney and plat costs for any subdivision and any associated agreements. Tax exempt.	Amend boundary line to include on Glen Ellyn side of boundary line as previously agreed to in IGA for Hill Avenue bridge and don't subdivide due to associated costs.
D1	0513208005 0513402020 0513402001 0513208001 0513402002 0513208002	28.68	Forest Preserve District IL State Toll Hwy. Auth. Commonwealth Edison	None	Located in floodplain. Forest Preserve and Tollway properties are tax exempt. Vacant. No development or associated maintenance expected.	Amend boundary line to include on Glen Ellyn side of boundary line.

ATTACHMENT F

Area #	PIN	Area (acres)	Owner(s)	Utility Extension Issues	General Comments	Staff Recommendation
D2	0524302019 0524302017 0524301009 0524301009 0524301008 0524301007	25.71	Village of Glen Ellyn Bemis Road Wastewater Plant	None	Glenbard Wastewater Authority Bemis Road Plant. Previous agreement to amend boundary line to incorporate into Glen Ellyn upon Glen Ellyn obtaining contiguity to the site. However, this provision is not included in the current boundary line agreement and should be added back in.	Amend boundary line to include on Glen Ellyn side of boundary line.
E	Includes 101 Parcels	49.3 acres	Private residents	Village utilities on Surrey Drive west of subdivision.	Some properties in neighborhood already incorporated into Lombard. Could create confusion with some lots in Lombard and some in Glen Ellyn. Not clear in agreement if Lombard would disconnect those properties that are already incorporated. Streets not currently constructed to Village standards. Code enforcement issues in neighborhood and cut thru traffic. Cost to extend utilities and improve roads would be excessive. Would require Glen Ellyn to assume jurisdiction of entirety of Wilson Avenue which is in poor condition.	Do not pursue. If Lombard properties were not disconnected could create confusion for emergency responders as part of the subdivision is already in Lombard. Could also result in inconsistent zoning, building and other Code standards within the same neighborhood. Cost to upgrade streets and extend utilities would be significant.

Attachment G
Proposed Location of Amended Boundary Line



ATTACHMENT H

LOMBARD BOUNDARY LINE AGREEMENT AMENDMENTS PROJECT TIMELINE 11/16/2010

Wednesday, November 17, 2010	Staff forwards recommendations for boundary line changes to Village Board
Monday, November 22, 2010 (Workshop Meeting)	Village Board discusses proposed changes to boundary line
November 22 – January 4	Village attorney prepares updated boundary line agreement based on feedback from Village Board, legal description for proposed boundary line prepared and any subdivision plats prepared
Wednesday, January 5, 2011	Proposed agreement forwarded to Village Board
Monday, January 10, 2011 (Workshop Meeting)	Board reviews and discusses proposed agreement
Wednesday, January 19, 2011	Revised agreement forwarded to Village Board based on comments from January 10, 2011 meeting
Monday, January 24, 2011 (Board Meeting)	Board reviews and acts on final agreement
Tuesday, January 30, 2011	Staff makes any final changes as directed by the Board and submits amended boundary line agreement to Lombard no later than January 30, 2011
February 30, 2011	Lombard to approve amended agreement by this date

Attachment I

- C. Cooperate with LOMBARD in all ways necessary to ensure the timely completion of the Project;
- D. Take no affirmative action to prohibit the use of the Bridge by vehicles weighing up to and including 80,000 pounds in gross weight, unless necessitated by the future deterioration of the Bridge;

4. **DESIGN AND CONSTRUCTION OF THE PROJECT.** LOMBARD shall proceed with the design, bidding, contract award and construction of the Project, in accordance with the plans and specifications to be approved by LOMBARD and by the GLEN ELLYN Director of Public Works, whose approval shall not be unreasonably withheld.

5. **BRRP GRANT.** Lombard anticipates receiving a grant from the BRRP to finance eighty percent (80%) of the cost of the Project. In the event that LOMBARD does not receive formal approval of a grant from the BRRP sufficient to finance eighty percent (80%) of the cost of the Project by January 30, 2014, this Agreement shall be deemed null and void and both LOMBARD and GLEN ELLYN shall be released from their respective obligations hereunder, unless the deadline for obtaining the grant from the BRRP contained herein is extended by mutual agreement of the Parties. Any payment for GLEN ELLYN of its ten percent (10%) share of a charge or invoice shall only be required in a situation where LOMBARD has received a grant from the BRRP to finance eighty percent (80%) of the cost of the project, including grants for portions of the cost, such as engineering.

6. **ADDITIONAL OBLIGATIONS OF THE PARTIES.**

* A. **Amendment to Existing Boundary Agreement.**

- i. LOMBARD and GLEN ELLYN agree to amend the existing boundary agreement between them to place the properties

north of Hill Avenue and west of the Bridge, as depicted on the Sidwell Map attached hereto as **Exhibit B** and made a part hereof, on the GLEN ELLYN side of the boundary line;

- ii. LOMBARD and GLEN ELLYN further agree to amend the existing boundary agreement between them to allow for the de-annexation of the Churchill Woods property from LOMBARD, at such time as GLEN ELLYN is able to provide water and sanitary sewer service to said property and the DuPage County Forest Preserve District consents to the amendment. The Churchill Woods property is depicted on the Sidwell Map attached hereto as **Exhibit C** and made a part hereof;
- iii. LOMBARD, at the written request of GLEN ELLYN further agrees to amend the existing boundary agreement between them to allow GLEN ELLYN to annex certain properties west of I-355. GLEN ELLYN may seek a boundary agreement amendment that may include the properties depicted on the Sidwell Map attached hereto as **Exhibit D** and made a part hereof. In addition, if requested by GLEN ELLYN, LOMBARD shall agree to amend the boundary agreement to include the Territory commonly known as Flower Field and depicted on **Exhibit E** and made a part hereof.

However, in no event shall LOMBARD be obligated to amend the existing boundary agreement in a manner that would allow GLEN ELLYN to annex any territory that would destroy LOMBARD's contiguity with the property commonly known as the Western Acres Golf Course, as depicted on the Sidwell Map attached hereto as **Exhibit F** and made a part hereof;

- iv. Subject to and contingent upon the approval of DuPage County, LOMBARD and GLEN ELLYN further agree to amend the existing boundary agreement between them to place the Great Western Trail, as depicted on the Sidwell Map attached hereto as **Exhibit G** and made a part hereof, on the Glen Ellyn side of the boundary line;
- v. If any of the disconnections and annexations should result in roadways that were within LOMBARD, being surrounded on both sides by GLEN ELLYN, it shall accept a jurisdictional transfer from LOMBARD.

If the boundary agreement between LOMBARD and GLEN ELLYN is amended to include the territory commonly known as

Flower Field, GLEN ELLYN shall accept a jurisdictional transfer of Wilson Avenue upon annexation of a majority of the residential properties adjacent to Wilson Avenue,

- vi. GLEN ELLYN shall be responsible for preparation of any and all amendments to the existing boundary agreement provided for herein, including any and all costs associated therewith;
- vii. Any proposed amendments to the existing boundary agreement provided for herein, shall be submitted to LOMBARD by GLEN ELLYN on or before January 30, 2011. LOMBARD shall accept the proposed amendments within thirty (30) days thereafter, on the condition that the proposed amendments are consistent with this Section 6(A), and that GLEN ELLYN is not otherwise in breach of this Agreement. In the event that GLEN ELLYN fails to submit any of the proposed amendments to the existing boundary agreement to LOMBARD by January 30, 2011, LOMBARD shall be released from its obligations contained in this Section 6A; and
- viii. Any disconnection of territory contemplated by any of the amendments to the existing boundary agreement between LOMBARD and GLEN ELLYN provided for herein, shall be subject to and contingent upon the approval of the property owners subject to disconnection.

B. Utility and Roadway Dedication.

- i. LOMBARD agrees to continue providing water and sanitary sewer services to the properties north of Hill Avenue and west of the Bridge (as shown in **Exhibit B**), until such time as GLEN ELLYN extends its sanitary sewer and water mains to said properties;
- ii. Upon the request of GLEN ELLYN, but no later than January 30, 2018, LOMBARD shall dedicate the Glen Oak Lift Station and all related sanitary sewer utilities to GLEN ELLYN at no cost. This request may occur prior to January 30, 2018 if GLEN ELLYN successfully extends sanitary sewer to the properties currently served by the Glen Oak Lift Station, or at a point when all properties currently served by the Glen Oak Lift Station sign annexation agreements with GLEN ELLYN.
- iii. Upon connection of GLEN ELLYN water service to the properties north of Hill Avenue and west of the Bridge (as



To: President & Village Board
From: Steve Jones, Village Manager
Date: November 17, 2010
Re: **Ethics Policy**

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

Background

I have attached the latest version of the draft ethics policy. The track-changes version identifies all revisions made since our last discussion.

Please note that I have inserted those changes submitted by elected officials, which are identified with a comment box in the right margin. All revisions without a comment box were clean up items recommended at our last workshop.

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 (November 2010 Version)*

Exhibit 2 – Suggested elected official revisions since last discussion

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

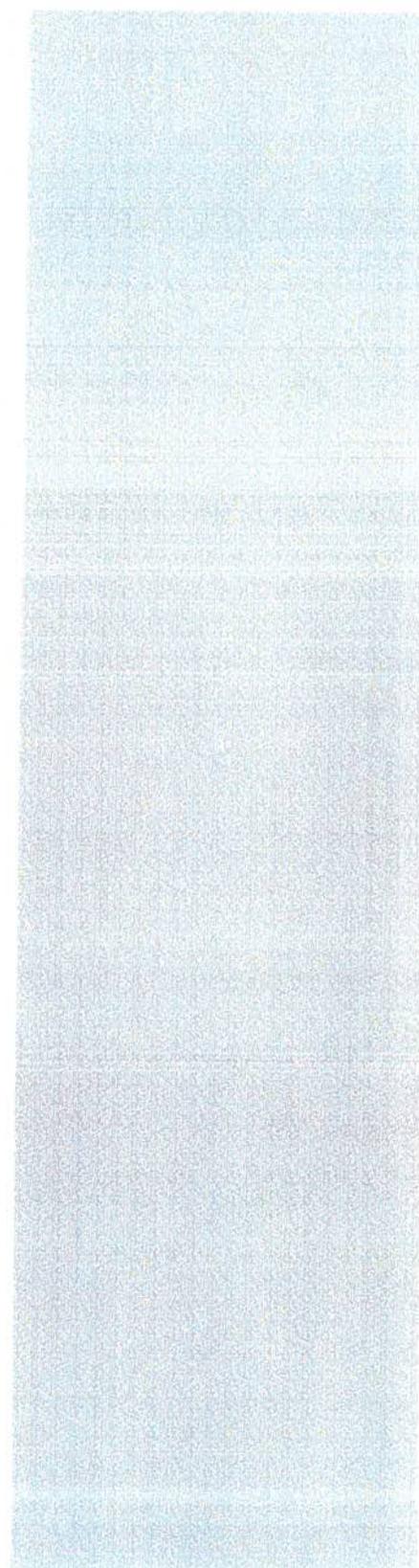
- Adoption makes a statement that the elected and appointed officials of the Village are committed to do what is in the best interest of the community.
- Comprehensive ethics policy consolidates a various provisions found elsewhere and provides a user-friendly document for reference, easy understanding 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.

Glen Ellyn Ethics Policy

(Draft ~~Sept~~ November 2010)



The Village of Glen Ellyn 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 employees, commissioners, volunteers, elected officials and long-term vendors. These groups will be referred to collectively as civil servants in this policy.

In short, 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

Promoting an ethical culture helps Glen Ellyn meet its business goals by

- Enhancing Glen Ellyn's ability to innovate and execute
- Improving Glen Ellyn's already stellar reputation
- Improving Glen Ellyn's financial results
- Improving civil servant retention rates and supporting Glen Ellyn's policy of being a quality employer. Survey data suggests that 94% of workers and volunteers consider working for an ethical organization as "critical" or "important".

Civil servants in the Village of Glen Ellyn operate in a fast-paced, customer service based environment that consistently challenges one 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. The purpose of this ethics policy is to ensure that all civil servants have clear guidance for achieving ethical behavior in carrying out their roles and responsibilities at the village.

When making decisions in their work for the Village, civil servants should consider the following:

- What are the facts and issues? What are the needs of Glen Ellyn and the individuals involved?
- Who is or could be affected by the decision and what is their input?
- What ethical principles apply? What Glen Ellyn policies, legal obligations and regulations apply?
- Have the implications, impacts, and options been assessed by involving the appropriate subject matter experts?
- Did the decision achieve the desired outcome? What are the key learning in each situation and can they be re-applied?

Guidelines for achieving ethical behavior include:

- Being authentic. Maintaining personal integrity, truthfulness, honesty, sincerity, and fairness in carrying out public duties and when dealing with others, 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
- 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.

In addition, Glen Ellyn Civil Servants shall:

- Comply with this ethics policy, 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 as 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

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 of \$26 or more on any one occasion in a calendar year or \$51 or more total during a calendar year.

- 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

The last two categories will be described in detail in the pages that follow.

Comment [saj1]: New Introduction suggested by Village President

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 ~~official~~ civil servants. 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~~ civil servant is placing his or her interests above the public interest.

Comment [saj2]: Reference to "officials" changed to "civil servants" throughout document per Village President suggestion above.

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

Comment [saj3]: Suggested by Trustee Hartweg

II. Application of Laws & Policies

All elected and appointed ~~official~~ civil servants of the Village of Glen Ellyn are subject to the provisions of this ethics policy and applicable state law addressing ethics. Appointed ~~official~~ civil servants 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.~~

Comment [saj4]: Suggested by Trustee Hartweg

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 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.

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~~civil servant or employee, the spouse or minor child of such ~~official~~civil servant or employee, or any other person with a family relationship with such ~~official~~civil servant or employee owning or sharing the same household as the ~~official~~civil servant 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 civil servants employment or the official position of an ~~employee or official~~civil servant.

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

CIVIL SERVANT: Any individual who serves the Village of Glen Ellyn in an official capacity as an elected official, appointed volunteer, employee or ~~long-term vendor~~.

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,

Comment [sa]5: Added as referenced in Village President's definition of civil servant.

variations and special use permits, pending before the village, with respect to which an ~~official~~civil servant ~~or employee~~ performs an official act or action.

IV. Conflicts of Interest.

All ~~elected and appointed official~~civil servants shall avoid situations that present a conflict of interest, or a potential conflict of interest. It is the responsibility of all ~~village official~~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 ~~official~~civil servant ~~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~~civil servant ~~or employee~~ shall recuse himself or herself in connection with any transaction that comes before such ~~official~~civil servant ~~or employee~~ in the course of his or her ~~official~~ duties, whenever such ~~official~~civil servant ~~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~~civil servant ~~or employee~~ in an official capacity, even if the ~~official~~civil servant ~~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~~civil servant ~~or employee~~ shall promptly provide written notification, within forty-eight (48) hours, to the appropriate authority of such conflict and the ~~official~~civil servant'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 officialcivil 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 & Disclosure***: Any officialcivil 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 officialcivil servant 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 officialcivil servants present an image of objectivity and fairness in all official actions. Village officialCivil 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 to the Ethics Officer. When required, the Ethics Officer will determine if an actual conflict exists.

V. ***Gift Ban.***

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

- a. ***Prohibited gifts***. Except as otherwise provided in this Article, no officialcivil 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 officialcivil 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 officialcivil 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 officialcivil servant has reason to believe that, under the circumstances, the gift was provided because of the officialcivil servant's position and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship the officialcivil 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 officialcivil 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 officialcivil servant the individual who gave the gift also at the same time gave the same or similar gifts to other officialcivil servants.
 6. Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officialcivil servant from another official of the village, and "inter-governmental gift" means any gift given to an officialcivil servant 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 officialcivil servant does not violate this Act if the officialcivil 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.

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-elected official~~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.

VII. Treatment of Confidential and Sensitive Information

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

Comment [saj6]: Suggested by Trustee Hartweg

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~~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 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. 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 communications with all Civil servants with respect to any request or inquiry concerning any variance or application of any Village code, ordinance or resolution. Such records of communications shall be delivered quarterly to the Ethics Officer.~~

e.b. ***Use of Position to Misrepresent Official Policy.*** No ~~village official~~Civil servant shall utilize his or her role to intentionally misrepresent the policy or position of the Village of Glen Ellyn.

d.c. ***Interaction with Staff.*** The Village Manager is responsible for the day-to-day operations of the organization. Elected ~~official~~civil servants need to be sensitive to the role of the Village Manager and staff, and direct policy related ~~and operational~~ matters through the Village Manager's Office.

e.d. ***Discrimination.*** No ~~village official~~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.

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Comment [sa]7: Revision suggested by Trustee Cooper.

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Comment [sa]8: Inserted by SJ in response to clarification requested by Trustee Hartweg.

IX. Statement of Economic Interest.

In accordance with State statutes, the Village Clerk annually prepares a list of ~~village official~~civil servants who are required to file a statement of economic interest. All ~~village official~~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.

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~~civil servant, civil servant serving on 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.

If a complaint is received against the Village Attorney, the Village President shall appoint another individual to serve as Ethics Officer.

Comment [sa]9: Village President has questioned whether the Village Attorney should be the ethics officer. *Other Suggestions?*

XII. Filing an Ethics Complaint

The Village Clerk is authorized to receive and maintain any ethics complaint made against any ~~village official~~civil servant. If the complaint is against an elected ~~official~~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 ~~m~~Manager.

XIII. Penalties

Any person who violates any provision of this policy may be fined in an amount not to exceed \$1,000. If the violation occurs with an civil servant who serves on an advisory board or commission, or as an employee, the individual may be subject to removal from office. Each violation shall be considered a separate and distinct event.

Comment [saj10]: Penalty differentiation suggested by Trustee Thorsell

Steve Jones

From: Mark Pfefferman [mark.pfefferman@gmail.com]
Sent: Tuesday, November 09, 2010 5:31 PM
To: Steve Jones
Subject: Ethics Policy
Attachments: Ethics Policy comments1.doc

Hi Steve,

Attached is a newly proposed front few pages of the village's Ethics Policy. It may need further editing, but the tone is there if this is indeed a handbook as stated at the last public meeting.

Is Civil Servants the right term? i could not think of better. It should be added to the definitions section, which I believe is being moved to an appendix.

I am still not comfortable with the village attorney being the Ethics Officer. Do we have an EAP? Could it serve in this capacity?

Who determines the fee for the penalty since it reads "may" be fined?

Please incorporate the new introduction. Suggestions/imput is welcome.

Thanks,

Mark

The Village of Glen Ellyn 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 employees, commissioners, volunteers, elected officials and long-term vendors. These groups will be referred to collectively as civil servants in this policy.

In short, 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

Promoting an ethical culture helps Glen Ellyn meet its business goals by

- Enhancing Glen Ellyn's ability to innovate and execute
- Improving Glen Ellyn's already stellar reputation
- Improving Glen Ellyn's financial results
- Improving civil servant retention rates and supporting Glen Ellyn's policy of being a quality employer. Survey data suggests that 94% of workers and volunteers consider working for an ethical organization as "critical" or "important".

Civil servants in the Village of Glen Ellyn operate in a fast-paced, customer service based environment that consistently challenges one 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. The purpose of this ethics policy to ensure that all civil servants have clear guidance for achieving ethical behavior in carrying out their roles and responsibilities at the village.

When making decisions in their work for the Village, civil servants should consider the following:

- What are the facts and issues? What are the needs of Glen Ellyn and the individuals involved?
- Who is or could be affected by the decision and what is their input?
- What ethical principles apply? What Glen Ellyn policies, legal obligations and regulations apply?
- Have the implications, impacts, and options been assessed by involving the appropriate subject matter experts?
- Did the decision achieve the desired outcome? What are the key learning in each situation and can they be re-applied?

Guidelines for achieving ethical behavior include:

- Being authentic. Maintaining personal integrity, truthfulness, honesty, sincerity, and fairness in carrying out public duties and when dealing with others, 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
- 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.

In addition, Glen Ellyn Civil Servants shall:

- Comply with this ethics policy, 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 as 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

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 of \$26 or more on any one occasion in a calendar year or \$51 or more total during a calendar year.
- 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

The last two categories will be described in detail in the pages that follow.

Steve Jones

From: Peter E. Cooper [pcooper@lksu.com]
Sent: Monday, November 15, 2010 3:28 PM
To: SDiamond@ancelglink.com
Cc: Steve Jones
Subject: Glen Ellyn Ethics Ordinance

Stewart:

I am concerned with instances in which Village officials seek interpretations or applications of Village Codes and Regulations in their professional capacity from Village Staff, and either intimidate staff into giving favorable interpretations or seek retribution against staff who doesn't. I am not sure that either staff or the Official would even need to be acting with scienter; it would not be surprising for Officials to think that staff members who agrees with them are bright and resourceful and that those who disagree with them are rigid and unimaginative. Unfortunately, that may influence the staff members' employment evaluations. I think the only way to protect staff members is to closely monitor communications between Village Officials in their professional capacities with Staff members. That necessarily will impact attorneys, architects and contractors disproportionately, but I think it is essential. Below is my suggestion for a revision to VIII (b). I don't think that it accomplishes what I want, but maybe someone at your shop could work with it.

b. Use of Position to Seek Favors for Self or Others. No official shall directly or indirectly obtain or seek to obtain preferential treatment for himself or herself or any other individual or entity. Officials shall follow the same rules, regulations and processes that is applicable to the general public. Village staff shall maintain a record of all communications with all Officials with respect to any request or inquiry concerning any variance or application of any Village code, ordinance or resolution. Such records of communications shall be delivered quarterly to the Ethics Officer.

Peter

Steve Jones

From: Phillip Hartweg [pchartweg1@ameritech.net]
Sent: Thursday, November 04, 2010 1:27 PM
To: Steve Jones
Cc: 'Mark Pfefferman (mark.pfefferman@gmail.com)'
Subject: Ethics Policy comments

I think I still beat the deadline, so here's a few thoughts:

It would be good to have a cover page that lists the items covered in the document, IE a table of contents - this would be good for the "cliffnoters" that see this as a cumbersome document.

I would also think that a note that Illinois' State Officials and Employees Ethics Act should be cited early on as a reference or a precedence setter for any items in dispute.

Overall, I think this might be edited a tad to eliminate some verbiage.

Item 1:

Last sentence change word "officials" to say - ...*associated with the Village as elected officials, appointed persons and employees...*

Item 2:

Last sentence - strike all verbiage after *Personnel Manual*.

Item 3:

Move this whole item to end of the document. The Tablet of Contents idea will then allow anyone wishing to see definitions a quick look see.

Under FAMILY RELATIONSHIP: - Spell these relationships out entirely as discussed in our session.

Item 7:

First line: "No official or former official..."

Item 8:

d. *Interaction with staff:*

I don't know what you are saying here - does this mean to imply that appointed and elected officials should request VM's permission to talk to staff? Or does it mean to say that all should be "sensitive" to employee/boss relationships? I think this should be dropped or spelled out more clearly.

Item 10:

I have a BIG X through this and several comments about confidential info use and being duly influenced by former trustee and public perception. was this to be rewritten or dropped?

I suppose that having an attorney appear before the Board of which that attorney was in the previous two years a trustee also might be construed/perceived as influential to several Board members. If this is the concept, then you should go all out and make it four years so that no one, including the Village President would have any direct connection.

As a member of the public, I would want my person representing me. albeit attorney, engineer, friend to be the best person.

In the strictest sense I am for this - but for most practical purpose this seems too tight.

Item 12:

Manager, the last word - should be capitalized.

I think that putting this in a table of contents format might also suggest that there should/may be a different order in how things are presented in sequence - consider that in the overall organization please.

Any questions, please advise.

Phil

Steve Jones

From: Michelle Thorsell [mthorsell@smtarchitects.com]
Sent: Friday, October 29, 2010 2:33 PM
To: Steve Jones
Subject: ethics ordinance

Wondering if the penalty provision can differentiate between appointed and elected violators. Thinking of Commissioners, the greatest penalty should probably be removal from appointed office without financial penalty - this may also apply to paid appointed positions. The elected officials should remain as written with financial penalty, especially since they cannot be removed from office.

Thanks. Hopefully this will come up for a vote within the next few weeks.

--

Michelle Z. Thorsell

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