

**Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
February 14, 2011**

Call to Order

Village President Pfefferman called the meeting to order at 8:02 p.m.

Roll Call

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

Pledge of Allegiance

President Pfefferman led the Pledge of Allegiance.

Village Recognition

- a. Police Officer Tom Staples received a note of thanks from a student who enjoyed the recent DARE class.
- b. Police Chief Phil Norton and Deputy Police Chief Bill Holmer received an email message from Superintendent Ann Riebock, thanking them for participating in a meeting, and recognizing the efforts of the Police Department and Public Works in clearing the snow to ensure a safe arrival of the students.
- c. A letter was received from the Bloomingdale Chief of Police expressing his thanks and appreciation to Sergeant Stephen Smith and Police Officer James Monson for their assistance during a recent investigation.
- d. The Village accepted the resignation of Robert Marcott, effective February 16, 2011, from the Environmental Commission and thanked him for his service to the Village. President Pfefferman extended a special thanks to Mr. Marcott for serving on the Commission for so many years including leading it. In his resignation letter Mr. Marcott mentioned Assistant to the Village Manager-Administration, Kristen Schrader, for her assistance. President Pfefferman thanked Ms. Schrader for her efforts.
- e. The Village Board and Management Team congratulated John Perkins who recently celebrated his five-year anniversary as a Village employee in the Police Department.

Audience Participation

- a. Public Works Director Jeff Perrigo presented an update on the progress of Manor Woods. A full report should be available by March 14. He mentioned that he received word that the Park District is lowering the elevation of the lake today in preparation for a possible rain event. The Park District is investigating a warning system for residents in the vicinity of Lake Ellyn in the form of an auto-dialer instead of depending on the Village of Glen Ellyn Police Department to make the calls.

Consent Agenda

Assistant to the Village Manager Schrader presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

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

- a. **Minutes** of the following Village Board Meetings:
 - Workshop Meetings
 - November 15, 2010
 - January 17, 2011
 - January 24, 2011

 - Regular Meeting
 - January 24, 2011
- b. Total **Expenditures** (Payroll and Vouchers) - \$1,782,842.17.
The vouchers were reviewed by Trustee Hartweg prior to the meeting.
- c. **Ordinance No. 5919-VC**, an Ordinance Amending Title Two of the Village Code Regarding Membership Requirements for Boards and Commissions in Glen Ellyn, Illinois. A question was asked about section 2-14-3 (d) concerning removal of a commission member of the Zoning Board of Appeals. It was explained that this is a restatement of the current requirement needed to determine how a commission member would be removed.
- d. Independent Contractor's Agreement with Carol White to serve as the **Temporary Executive Director of the Transitional Downtown Organization** through April 30, 2011.
- e. Waive competitive bidding and accept the lowest quote for the demolition of the building on the former Marathon Gas Station property located at **825 N. Main Street**. In response to the question regarding utility disconnect, curb removal and permits, funding can be determined at a later date.

- f. Waive competitive bidding requirements and award a contract extension to Kramer Tree Specialists, Inc. in the not-to-exceed amount of \$135,000 for the **Branch and Brush Pickup Service** work for FY 11-12.
- g. Declare as **surplus a Village vehicle** and authorize its sale or disposal.
- h. Recommendation of Village President Pfefferman that the following **appointments be made for Boards and Commissions:**
 - Environmental Commission
Leonore Neary - appoint as Chairman effective February 17, 2011 through December 31, 2011
 - Recreation Commission
Jeffrey Jourdan – appoint for a term ending December 31, 2013
Michael Cavanagh – reappoint for a term ending December 31, 2013
- i. Continue consideration of a **boundary line agreement with the Village of Lombard** until the February 28, 2011 Village Board Meeting.

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

Ordinance – Ethics Ordinance and Ethics Resolution – First Reading

Attorney Stewart Diamond gave a general overview of the ethics ordinance and ethics resolution that the Village Board will be considering. He reviewed the various choices regarding ethics rules and regulations the Village Board could have considered, i.e. an ordinance, a resolution and an ordinance, or a policy. He explained that the resolution is the general philosophy of the community and the ordinance is the enforcement of the rules. Much of the ordinance reflects State law. He explained that resolution morally binds, but ordinance binds legally. He discussed fines and those who were subject to the ordinance (elected officials, commissioners, employees, and appointed volunteers). Appointed volunteers are not subject to fines. The Ethics Officer is a new part-time position. Attorney Diamond explained the responsibility of the position. Section 1-12-11 applies to vendors only. He discussed other items in the ordinance including the Village Board’s ability to review the ordinance. He concluded by explaining that the purpose of the ordinance was to primarily educate people in various positions regarding what they can do or not do. Attorney Diamond answered questions from the Village Board.

Diane McGinley, 293 Abbotsford, asked about releasing information from a closed session.

Celia Rodee, 393 Hill, asked about current ability to remove commissioners, Trustees or officers without an ethics ordinance. The response was that there was nothing the Village

could do for unethical behavior for anyone except employees. State law partially covers some behaviors, but not many.

Jean Kaczmarek, 78 Forest, spoke in favor of the ethics ordinance.

Celia Rodee, 393 Hill, spoke in favor of the ethics ordinance.

Kathy Cornell, 678 Forest, spoke in favor of the ethics ordinance.

Attorney Diamond recommended the ordinance be modified to indicate that complaints be transmitted directly to the Ethics Officer and eliminate transmitting complaints to the Village Clerk.

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

A. Trustee Henninger moved and Trustee Hartweg seconded the motion that a Resolution Establishing the General Policy of the Village of Glen Ellyn Regarding the Ethics Standards Expected from its Civil Servants be passed in a two-reading process, with the second reading scheduled for the February 28 Village Board Meeting. Upon roll call, Trustees Henninger, Hartweg, Comerford, Cooper, Ladesic and Thorsell voted “Aye.” Motion carried.

Trustee Hartweg moved and Trustee Ladesic seconded a motion to adopt the amendment to the Resolution Establishing the General Policy of the Village of Glen Ellyn Regarding the Ethics Standards Expected from its Civil Servants as written in Item N. Upon roll call, Trustees Hartweg, Ladesic, Thorsell, Cooper, Comerford, and Henninger voted “Aye.” Motion carried.

B. Trustee Henninger moved and Trustee Thorsell seconded the motion that an Ordinance Establishing Standards for Ethical Conduct by Civil Servants Providing for a Process to Review and Act Upon Alleged Violations and Adding Chapter 12 to Title 1, of the Glen Ellyn Village Code be passed, with amendments, in a two-reading process, with the second reading scheduled for the February 28 Village Board Meeting.

President Pfefferman began by thanking the Village for their careful deliberations noting that this is an important document that took a long time, but it was worth it. All employees, volunteers and public were given an opportunity to review and comment. Everyone recognizes the importance of the ordinance. It will be reviewed in the future to determine how well it is working. Village staff will continue to concentrate on serving the residents of Glen Ellyn. Other Village Board members also commented on the ordinance.

Section 1-12-4 of the ordinance will be amended to allow complaints to be sent directly to the Ethics Officer and not to the Village Clerk.

Trustee Henninger moved and Trustee Hartweg seconded that Section 1-12-4, after “from time to time” (from sentence 5 and continue through the bottom of the page) be amended to read:

Should an ethics complaint be filed, the Ethics Officer will

- Determine whether or not the complaint presents a basis for investigation
- If the complaint is determined to not present a basis for investigation, no further action will be taken
- If the complaint is determined to present a basis for investigation, the Ethics Officer will conduct an investigation
- Upon the completion of the investigation, based on its findings, the Ethics Officer’s will either
 - Take no further action
 - Make a recommendation to the Village President and Village Board for consideration on one of the following courses of action
 - *Referral of the matter to the Village Prosecutor for prosecution of violation(s) of local ordinances
 - *Some lesser action deemed appropriate

The Village Board shall determine whether the matter should be referred to the Village Prosecutor, or whether some lesser action is appropriate. The Ethics Officer shall also reply to requests seeking an opinion as to whether a matter may represent a potential conflict of interest, or an actual conflict. The Ethics Officer shall also carry out such other duties within the scope of this chapter as shall be specifically directed in writing by the Village President or action of the Village Board.

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

Trustee Henninger moved and Trustee Ladesic seconded to strike Sub-Section D of 1-12-9; re-sequence Section E to Section D; and instruct the Village Attorney to bring Sub-Section d of 1-12-9, as read by Trustee Cooper, to the Village Board in the form of a Resolution at the next Village Board Meeting.

Upon roll call, Trustees Henninger, Ladesic, Comerford, Cooper and Hartweg voted "Aye." Trustee Thorsell voted “No.” Motion carried.

Trustee Henninger moved to replace the minimum fine for violation of the ethics ordinance from \$250.00 to \$5.00. The motion was withdrawn by Trustee Henninger.

Trustee Ladesic moved and Trustee Hartweg seconded to amend 1-12-10 to read to set a fine of not more than \$750.00. Upon roll call, Trustees Ladesic, Hartweg, Henninger, and President Pfefferman voted “Aye.” Trustees Thorsell, Comerford, and Cooper voted "No." Motion carried.

Trustee Hartweg inquired about that portion of Section 1-12-2. The Personnel Manual applies only to Village employees and not Trustees or commissioners. The phrase “to the extent applicable” is what limits who is covered by the Personnel Manual. A

discussion followed regarding the definitions in Section 1-12-3, specifically “transactions” as it applies to recusal. Attorney Diamond will have a final answer prior to the next meeting.

There is no definition for prohibited political activity. 1-12-7 gives some guidelines, but needs further clarification.

Discussion occurred regarding when the ordinance should take effect.

Trustee Comerford moved and Trustee Henninger seconded to amend Section 2 that the ordinance should take effect within 90 days after its passage and publication or 30 days after the appointment and confirmation of an Ethics Officers whichever event occurs sooner. Upon roll call, Trustees Comerford, Henninger, Ladesic, and Hartweg voted "Aye." Trustees Thorsell and Cooper voted “No.” Motion carried.

The non-binding first reading on an amended Ordinance Establishing Standards for Ethical Conduct by Civil Servants Providing for a Process to Review and Act Upon Alleged Violations, the motion which was made and seconded earlier in the meeting was called for at this time and the results were as follows:

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

Reminders

- The Regular Workshop meeting of the Glen Ellyn Village Board is scheduled for Monday, February 21, 2011. The only item on the agenda at this time is an adjournment to an executive session of the Village Board adjourning without returning to open session.
- The next Regular Village Board Meeting is scheduled for Monday, February 28, 2011 with the Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business

None

Adjournment

At 10:43 p.m., Trustee Hartweg moved and Trustee Cooper seconded the motion that the Regular Meeting of the Village Board be adjourned. All Trustees present voted “Aye.” Motion carried.

Respectfully Submitted,

Suzanne R. Connors,
Village Clerk