

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, MARCH 12, 2012 AT THE VILLAGE HALL, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 6:30 p.m. by Mayor Robert Napoli.

2. ROLL CALL

Those present at roll call were Mayor Robert Napoli, Clerk Leroy Hansen, Trustees Dennis Baker (via teleconference), Terrence Kelly, Michael Mistele, Sue Berglund, and Frank Trilla.

ABSENT: Trustee Umberto Davi

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Chief Mark Shelton, Deputy Chief Paul Oggerino, Interim Finance Director Carrie Dittman, Management Analyst Garrett Hummel, and Deputy Clerk Cindy Stuchl.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli asked Trustee Berglund to lead everyone in saying the Pledge of Allegiance.

4. VISITOR'S BUSINESS

None presented.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - February 27, 2012 (APPROVE)
- c. Minutes - Executive Session Meeting - February 13, 2012 (APPROVE)
- d. Warrants - \$177,470.91 (APPROVE)
- e. Monthly Financial Report - February 29, 2012 (APPROVE)
- f. Resolution - A Resolution to Designate Open Meeting Act Officers as Required Under the Illinois Open Meetings Act - No. 12-R-12 (ADOPT)
- g. Motion to Approve - Raffle Application - The Kerry Piper Irish Pub (APPROVE)

Mayor Napoli asked the Board if there was any item to be removed from the Omnibus Vote Agenda. Trustee Baker recused himself from voting on Item 5c. Trustee Trilla recused himself from voting on Item 5d.

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund to approve the Omnibus Vote Agenda as presented.

ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Davi.

MOTION DECLARED CARRIED

NEW BUSINESS

6. MOTION - MOTION TO APPROVE THIRD QUARTER FINANCIAL REPORT - FISCAL YEAR 2012

Interim Finance Director Dittman highlighted the third quarter financial report and trends. Revenues are projected to be 3.3% greater than budgeted. This would give the Village the number of days of operating expenses for the General Fund of approximately 135 days to end the fiscal year.

MOTION: Made by Trustee Mistele and seconded by Trustee Baker to approve the Third Quarter Financial Report - Fiscal Year 2012 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Davi.

MOTION DECLARED CARRIED

7. MOTION - BOARD ADVICE AND CONSENT TO MAYOR'S APPOINTMENT OF BILL BUCKLEY TO FILL A VACANCY IN THE OFFICE OF MEMBER OF THE VILLAGE PLAN COMMISSION

Mayor Napoli stated that he has known Mr. Buckley for many years and is active in the community. Mayor Napoli spoke with Mr. Buckley about serving on the Commission, and he stated that he is willing to serve and will be an impartial judge on behalf of the citizens.

MOTION: Made by Trustee Baker and seconded by Trustee Berglund for the appointment of Bill Buckley to the Village Plan Commission.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Davi.

MOTION DECLARED CARRIED

8. REPORT - POLICE FORFEITURE FUNDS/DEA FEDERAL FUND EXPENDITURES

Chief Shelton stated the balance of the DEA Federal Forfeiture Fund is \$186,784.36. Chief Shelton stated that there is approximately an additional \$82,092.00 pending approval in the court system. Since the program began in October of 2006, the Village has collected over \$515,000.00.

Chief Shelton said the State Forfeiture Fund has approximately \$44,060.00; it can only be used for drug related purposes.

The federal funds can be used for a larger array of police related purchases.

Attorney Hennessy questioned what is the department relying upon to base how the monies can be spent. Chief Shelton stated that he will provide Attorney Hennessy with a copy of the information that indicates how the money is to be spent.

Chief Shelton stated that some possible future purchases for these funds include electronic ticketing, wireless in-car cameras, new report writing system, mobile crash reporting system, and additional squad car purchases.

9. MOTION - A MOTION TO APPROVE EXPENDITURE FROM THE FEDERAL ASSET DRUG SEIZURE FUNDS - POLICE PATROL VEHICLE

Chief Shelton stated that the DEA Federal funds will be used to fully fund the purchase of the new squad car, and money that had originally been budgeted for the radios shall remain in the General Fund.

Trustee Kelly stated that the money earned from DEA forfeitures should be earmarked for non-normal capital projects such as technology, efficiency, safety, and other purchases that are out

of the ordinary. Trustee Kelly stated that with the cuts that have occurred in the Police Department, the DEA funds would be best used first for safety and secondly to purchase up-to-date technology into the department. Trustee Kelly stated that he was initially going to vote against purchasing the vehicle with all DEA money. Trustee Kelly stated that he does not wish that this purchase set a precedence for how money will be spent in the future. Trustee Kelly stated that any future purchases will require a thoughtful discussion amongst all members of the Board and the Police Department to determine the best way to take forfeiture funds and spend them for the greatest benefit to the residents of the Village and for the improvement of the department.

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund to approve the expenditure from the Federal Asset Drug Seizure Funds to purchase a police patrol vehicle as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Davi.

MOTION DECLARED CARRIED

10. RESOLUTION - A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO RENEW THE CONTRACT OF THE SONET RING SERVICES BETWEEN THE VILLAGE OF WILLOWBROOK AND THE DUPAGE COUNTY EMERGENCY TELEPHONE SYSTEM BOARD

Chief Shelton stated that the original agreement was signed in 2004. The Sonet Ring carries information through the DuPage County Justice Information System. Expenditures and fees have not changed, only the original contract had expired.

MOTION: Made by Trustee Baker and seconded by Trustee Mistele to adopt Resolution No. 12-R-13 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Davi.

MOTION DECLARED CARRIED

11. DISCUSSION - VILLAGE ETHICS ORDINANCE REVISIONS

Attorney Hennessy stated that a review of the existing ethics code has revealed some deficiencies dealing with how a complaint

is to be commenced and how it is processed. Attorney Hennessy had reviewed the Attorney General's model ordinance and other municipalities. Attorney Hennessy determined that it would be in the best interest of the Village to create an Ethics Commission and it should consist of the corporate authorities of the Village, being the elected Mayor and elected Trustees.

Recognizing the limitations on the time of the volunteer citizens that serve as the corporate authorities, it would be a good idea to make use of a delegate subcommittee; primarily for the purposes of investigating ethics matters.

Language in reference to the duties of the ethics officer has not been added to the updated ordinance. Duties will include providing guidance to the Village and performing other duties that may be delegated by the Village.

Attorney Hennessy stated that he envisions a process that due to the limitations of time of the corporate authorities, matters like these ethics complaints would be sent over for determination preliminarily by the subcommittee. They in-turn might seek the advice and guidance of the Ethics Officer.

Attorney Hennessy stated he has not yet addressed the obligations of the public servant to fully cooperate with the work of the Commission or the delegate sub-committee, which includes providing the necessary paperwork, books and records, appearing and testifying in court, and submitting to depositions if necessary.

Attorney Hennessy stated that it is important to note that everything that is set forth is on the behalf of the Committee and its delegates is a matter that is not subject to administrative review because the Ethics Commission is purely a recommending body. If complaints are not dismissed, they will be recommending actions to the enforcing authorities which will be the ultimate jurisdictional authorities, the corporate authorities of the Village.

Attorney Hennessy stated that he rejected the idea of just adopting the Attorney General's model because he does not think it accords with the practice and tradition here. Attorney Hennessy stated that in his view, because of the responsibilities, duties, and the liabilities that the elected public officials of the Village have, they should be the Ethics Commission of the Village. Once the Commission has finished

with a matter and adopted its recommendations, it would go to the enforcing corporate authorities.

Mayor Napoli suggested that the Board take time to review the proposed ordinance and schedule discussion on this matter in more detail at the Board meeting on April 9, 2012.

Trustee Kelly wanted to commend Attorney Hennessy. He stated that this is a big step from where the ordinance was and the revision covers a lot of the concerns that he has expressed in the past.

Attorney Hennessy stated that he is looking forward to input and suggestions from the Board.

PRIOR BUSINESS

12. COMMITTEE REPORTS

Trustee Baker had no report. However, he referred to a Defensive Driving Program for the police department that he had spoken to Mayor Napoli about. Chief Shelton stated that all officers are sent to a three-day Defensive Driving course, and there are already officers scheduled for a one-day refresher course. These courses are offered through Northeast Multi-Regional Training and through IRMA.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Trilla had no report.

13. ATTORNEY'S REPORT

Attorney Hennessy had no report.

14. CLERK'S REPORT

Clerk Hansen had no report.

15. ADMINISTRATOR'S REPORT

Administrator Halik advised the Board that this past Friday, the Village received notice from the Government Finance Officers Association of our 23rd consecutive Certificate of Achievement for excellence in financial reporting award.

Administrator Halik also reminded the Board on March 19th there will be the Board Budget Workshop scheduled from 6:00 p.m. - 9:00 p.m. Dinner will be provided due to the early start time.

16. MAYOR'S REPORT

Mayor Napoli had no report.

17. EXECUTIVE SESSION

- a. REVIEW 2012 MINUTES - Pursuant to 5ILCS 120/2(c)(21) Regarding the Minutes of Executive Session Meetings That Were Lawfully Closed Under the Open Meetings Act
- b. Consideration of Collective Negotiating Matters Between the Village and Its Employees and Their Representatives Pursuant to Chapter 5 ILCS 120/1(c)(2)
- c. Consideration of Pending and Possible Litigation Against the Village Pursuant to Chapter 5 ILCS 120/2(c)(11)

ADJOURN INTO EXECUTIVE SESSION

MOTION: Made by Trustee Baker and seconded by Trustee Mistele to adjourn into Executive Session at the hour of 7:11 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Davi

MOTION DECLARED CARRIED

18. ADJOURNMENT

MOTION: Made by Trustee Baker and seconded by Trustee Kelly, to adjourn the Executive Session at the hour of 7:41 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Davi.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

March 26, 2012.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.