

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, OCTOBER 22, 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, Terrence Kelly, Michael Mistele, Sue Berglund, Umberto Davi, and Frank Trilla.

ABSENT: None

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

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Napoli asked Trustee Baker to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - October 8, 2012 (APPROVE)
- c. Minutes - Executive Session Meeting - September 24, 2012 (APPROVE)
- d. Warrants - \$196,943.39 (APPROVE)
- e. Resolution - A Resolution Authorizing the Chief of Police to Execute a Tactical Diversion Task Force Agreement with the Federal Drug Enforcement Administration and Ratifying and Confirming the Chief of Police's Prior Executive of Said Agreement - No. 12-R-47 (ADOPT)
- f. Proclamation - A Proclamation Designating the Month of October as National Physical Therapy Month (APPROVE)

g. Fiscal Year 2013/14 Budget Schedule (APPROVE)

Mayor Napoli asked the Board if there was any item to be removed from the Omnibus Vote Agenda.

Trustee Mistele requested that Item 5b be opened for discussion. Trustee Trilla recused himself from voting on Item 5d.

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

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

MOTION DECLARED CARRIED

Trustee Mistele stated that in the minutes for the Regular Board Meeting held on October 8, 2012, under the Mayor's Report, the statement referring to himself about Rosemont and Berwyn is not a true statement and taken out of context. Trustee Mistele stated that his comments related to the nepotism occurring in those Villages and requested that the comment be corrected. Trustee Davi stated that the "verbatim statement" reflects what the Mayor had said and cannot be changed.

NEW BUSINESS

6. DELINQUENT WATER BILLS

Administrator Halik stated that at this time there were no delinquent water bills.

7. MOTION - A MOTION TO APPROVE THE FISCAL YEAR 2011/12 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), TAX INCREMENT FINANCING (TIF) DISTRICT FUND REPORT, AND AUDIT MANAGEMENT LETTER

Interim Director Dittman advised that in the Board packet are excerpts of the Annual Audit that was prepared. Highlights included:

- General Fund Revenue exceeded budget by \$461,380 or 6.29%.
- General Fund Expenditures were slightly over budget by \$33,398 or 0.46%.

- The Village's ending fund balance for April 30, 2012 was \$2,414,974, with 120 operating days, which is the Village's targeted amount of days.

Ms. Dittman introduced Scott Termine from Wolf & Company, LLP., auditors for the Village of Willowbrook.

Mr. Termine stated that the audit went very smoothly and all documents were well prepared by Village staff. The opinion on the Comprehensive Annual Financial Report is an unqualified opinion which indicates that the audit was satisfactory that all balances were properly presented, and required disclosures were also presented in a clear and consistent manner.

Mr. Termine stated that for the Fiscal Year 2011/12, the Village had an increase in net assets of approximately \$1,000,000. The primary reason for this is the better than expected results of collections in the General Fund and continued control over expenditures.

MOTION: Made by Trustee Davi and seconded by Trustee Berglund to approve the Fiscal Year 2011/12 Comprehensive Annual Financial Report, Tax Increment Financing District Fund Report, and Audit Management Letter as presented.

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

MOTION DECLARED CARRIED

8. RESOLUTION - A RESOLUTION AUTHORIZING THE BOARD OF POLICE COMMISSIONERS (BOPC) TO EFFECT THE APPOINTMENT OF A CANDIDATE TO FILL A FUTURE VACANCY IN THE RANK OF PATROL OFFICER WITHIN THE POLICE DEPARTMENT CREATED BY THE PENDING RETIREMENT OF THE DEPUTY CHIEF OF POLICE

Administrator Halik stated that with the announced pending retirement of Deputy Chief Paul Oggerino, Chief Shelton has conducted interviews with internal candidates to fill the position. Chief Shelton has selected Detective Mark Altobella to become the next Deputy Chief. This move creates a vacancy within the Detective Division which will be filled by a current patrol officer. This in turn will create a vacancy within the rank of patrol. Ordinance 12-0-22, which was passed on September 24th, requires that the Village Board must adopt a Resolution to authorize the BOPC to commence the hiring process.

Trustee Mistele stated that this is the same Ordinance that he has disagreed with in the past. Trustee Mistele stated that he agrees with the BOPC proceeding with the hiring process; however, does not believe that the Village Board needs to be involved.

MOTION: Made by Trustee Baker and seconded by Trustee Kelly to adopt Resolution No. 12-R-48 as presented.

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

MOTION DECLARED CARRIED

9. DISCUSSION - ETHICS ORDINANCE

Attorney Hennessy stated that he has added a section pertaining to the obligation of persons charged with an ethics violation to cooperate with the Ethics Commission and sanctions if they fail to do so. Attorney Hennessy also stated that another significant addition was that the Ethics Commission may delegate to the Ethics Officer to conduct investigations and report any findings to the Commission for final action.

Trustee Kelly questioned the following scenario: The Ethics Officer will conduct an investigation independent of the Trustees. He will then returns to the Trustees and indicate whether there is probable cause or not. In this case, the Trustees can agree and matter is closed or disagree with probable cause. What is the next step? Attorney Hennessy stated that the next step would be for the Trustees themselves to conduct their own hearing on sufficiency of probable cause.

Trustee Kelly then questioned the make-up of the Commission. The way that he read the new ordinance, is that the entire Board of Trustees is the Commission. Attorney Hennessy stated that was correct. Trustee Kelly then stated that if there is a referral from the Ethics Officer, then the hearing is conducted in the presence of the entire Board and not a subcommittee. Attorney Hennessy stated that was also correct unless there is a member of the Board who is the subject of the complaint. That person would need to recuse themselves from the proceedings.

Attorney Hennessy stated that there are a number of other items that have not been discussed as of yet. He recommends that another discussion will need to be placed on a future agenda for the purposes of training, acknowledging the complaint, and other minor issues.

Mayor Napoli asked for a consensus from the Board for what was presented this evening. Trustee Berglund stated no and that she still feels strongly that the Commission should be made up of citizens and not Board members. She does not believe that the Board should be policing itself.

Trustee Mistele stated that he does not like the idea of the Mayor's position being primarily the Ethics Officer of the Commission. Mayor Napoli stated that Attorney Robert Novelle is the Village's Ethics Officer. Trustee Mistele stated that it states in the revised ordinance that the Mayor will be the Chairperson of the Commission and questioned when we get a complaint, does it go to the Ethics Officer or the Mayor. Mayor Napoli stated that it can go to either one.

Attorney Hennessy stated that the first step is to make sure that the complaint is properly lodged and filed. The first stopping point is the Commission. Every member of the Commission will receive a copy of the complaint. Then if the Commission decides that it wants to investigate the matter themselves or can delegate it to the Ethics Officer.

Trustee Baker questioned that if a complaint comes in and is deemed necessary for further investigation, and some members of the Commission say it should be looked into by the Commission and some members say that it should be forwarded to the Ethics Officer, how is it then decided which way to go. Attorney Hennessy stated that the decision would be based on a majority vote by the Corporate Authorities.

Trustee Davi related that just because someone is the Chairman of a Committee, does not mean that the Chairman has the power by themselves to determine what the Commission will hear or not hear. Trustee Mistele stated that he agrees but wanted that to be made clear.

Mayor Napoli requested a consensus that the Village Board will make up the Ethics Commission. Trustees Baker, Kelly, Mistele, Davi, and Trilla agreed with the consensus. Trustee Berglund did not agree.

PRIOR BUSINESS

10. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Davi had no report.

Trustee Trilla had no report.

10. ATTORNEY'S REPORT

Attorney Hennessy had no report.

11. CLERK'S REPORT

Clerk Hansen had no report.

12. ADMINISTRATOR'S REPORT

Administrator Halik had no report.

13. MAYOR'S REPORT

Mayor Napoli stated that we are one of 15 municipal members of Southwest Central Dispatch (SWCD). The Chairman of the SWCD Board recently proposed a by-law amendment which would enable officers of the Board to remain in place for an agreed amount of time rather than rotate from member to member each year. This by-law was voted on at the last SWCD Board meeting on October 17th. Mayor Napoli stated that he is the Village's representative on this Board, and after consultation with members of the Public Safety Committee, it was determined that the Village of Willowbrook should not support this amendment. The proposed amendment needed a 75% approval vote of the members to pass and it did not pass at that time.

Also, that same evening, the 9-11 Board met. Willowbrook is represented by Chief Shelton. He also voted no; however, on a vote of 10-1, the same amendment passed for their by-laws.

14. EXECUTIVE SESSION

There was no Executive Session.

15. ADJOURNMENT

MOTION: Made by Trustee Baker and seconded by Trustee Davi, to adjourn the Regular Meeting at the hour of 7:17 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

November 12 , 2012.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.