

Chapter 2

ADMINISTRATION

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**Section 2.1ART. Article I. In General**

**Section 2.1SEC. Council meetings.**

(a) The regular meetings of the Council shall be held the first, second and third Tuesday of each month at the hour of 7:00 p.m. in the Downers Grove Village Hall. Any regular meeting falling upon a legal holiday or on an election day shall be canceled or rescheduled.

(b) Special meetings, including emergency meetings, may be called from time to time by the Mayor or by any three (3) members of the Council. Except in the case of an emergency meeting, not less than forty-eight (48) hours notice shall be given to all members of the Council. Special meetings may be held without this notice to Council members when all members of the Council are present in person, or consent in

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writing to the holding of such meeting, such written consent to be filed with the Clerk prior to the beginning of the meeting. Provided, nothing herein shall authorize the conduct of any meeting in violation of the notice requirements of the Illinois Open Meetings Act. To the extent permitted by law, any Council actions, including formal approval, may be taken at a special meeting.

(c) In conformance with the Illinois Open Meetings Act, and upon a majority vote of a quorum present at an open meeting, the Council may hold a meeting closed to the public, or close the portion of any open meeting for which proper notice has been given. Meetings or portions of meetings closed to the public shall be referred to as executive sessions. (R.O. 1925, § 16; Ord. No. 980, § 1; Ord. No. 999, § 1; Ord. No. 1024; Ord. No. 2339, § 1; Ord. No. 3266, Ord. No. 3660, 7/25/94, Ord. No. 4000, 1/19/98, Ord. No. 4137, 7/26/99, Ord. No. 4285, 4/17/01, Ord. No. 4896, 8/7/07, Ord. 5117, 1/12/10; Ord. No. 5520, 12/15/15.)

### **Section 2.2. Notice and location of Council meetings.**

(a) Public notice of all Council meetings shall be given as prescribed in the Illinois Open Meetings Act.

(b) Council meetings may be held in the council chamber in the Village hall, or in some other public place. Provided, all Council meetings and portions thereof, except executive sessions, shall be open to the public as provided in the Illinois Open Meetings Act. (R.O. 1925, § 16; Ord. No. 980, § 1; Ord. No. 999, § 1; Ord. No. 3266, Ord. No. 3660, 7/25/94.)

### **Section 2.3. Recording of Closed Sessions.**

(A) *Recording Closed Sessions.* The Village of Downers Grove shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the Village or any subsidiary “public body” as defined by the Illinois Open Meetings Act, 5 ILCS 120/1. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities.

(B) *Responsibility for Recording Closed Sessions and Maintaining Recordings.* The Village Clerk or his/her designee shall be responsible for arranging for the recording of such closed or executive sessions. The Village Clerk, or his/her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the Village and all subsidiary public bodies of the Village.

(C) *Closed Session Minutes.* In addition to the recordings of the closed and executive session as addressed in this Ordinance, the Village will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/2.06.

(D) *Procedure for Recording.* At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

(E) *Back-Up Equipment/Procedure for Equipment Malfunction.* The Village will maintain sufficient tapes, batteries and equipment for the Village to comply with this Ordinance. The Village Clerk or his/her designee will periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as time as the closed session may proceed with a functioning recording device.

(F) *Procedure for Review of Closed Session Minutes and Recordings.* Minutes of closed sessions shall be reviewed every six months and shall not be released unless the corporate authorities of the Village find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. Minutes of closed sessions shall be kept indefinitely.

(G) *Maintenance and Public Release of Recordings and Access to Tapes.* The audio or video tape

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recordings of closed sessions shall be maintained for 18 months after the closed session and shall not be released to the public unless such release is required by a court order. Members of the corporate authorities may listen to the closed session recordings in the presence of the Village Clerk or his or her designee.

(H) *Procedure for Destruction of Recordings.* The Village Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

1. The corporate authorities of the Village have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
2. More than 18 months have elapsed since the date of the closed session;
3. There is no court order requiring the preservation of such recording; and
4. The corporate authorities of the Village have not passed a motion requiring the preservation of the verbatim recording of that meeting. (Ord. No. 5096, 11/17/09)

### **Section 2.4. Reserved.**

### **Section 2.5. Council rules.**

The following rules shall govern the deliberations and proceedings of all Council meetings:

*Rule 1. Presiding officers.* The Mayor shall preside at all meetings of the Council. During the temporary absence or disability of the Mayor, the Mayor pro tem shall act as presiding officer of the Council. In the event both the Mayor and the Mayor pro tem are absent, the Council shall elect one of its members Acting Mayor, who shall act as presiding officer of the Council. The presiding officer shall not make or second motions but shall vote on all questions and matters brought before the Council. The presiding officer shall preserve order and decorum, and may speak to points of order in preference to other members, and shall decide all questions of order subject to appeal. All questions relating to the priority of business at any meeting shall be decided by the presiding officer without debate, subject to appeal. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

*Rule 2. Meetings via electronic means.*

a. *Purpose.* It is the decision of the Village of Downers Grove that any member of the Village Council may attend any open or closed meeting of the Village Council via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws.

b. *Prerequisites.* A member of the Village Council may attend a meeting electronically if the member meets the following conditions: A quorum is physically present throughout the meeting; and, a majority of the Village Council votes to approve the electronic attendance at the beginning of the meeting.

- (i) The member should notify the Clerk or the Village Manager at least forty-eight (48) hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.
- (ii) The member must assert one of the following three reasons why he or she is unable to physically attend the meeting,
  - (1) The member cannot attend because of personal illness or disability; or
  - (2) The member cannot attend because of employment purposes or the business of the Village; or
  - (3) The member cannot attend because of a family or other emergency.
- (iii) The Clerk or the Village Manager, after receiving the electronic attendance request, shall inform the Village Council of the request for electronic attendance.

c. *Voting Procedures.* After a roll call establishing that a quorum is physically present, the

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presiding officer shall call for a motion that a member may be permitted to attend the meeting electronically after specifying the reason entitling the absent member to attend electronically. The motion must be approved by a vote of a majority of the Village Council.

d. *Adequate Equipment Required.* The member participating electronically and other members of the Village Council must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the Village Council shall provide equipment adequate to accomplish this objective at the meeting site.

e. *Minutes.* Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

f. *Rights of Remote Member.* A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

g. *Committees, Boards and Commissions.* These rules shall apply to all committees, boards and commissions established of the Village of Downers Grove.

*Rule 3. Commencement of meeting.* Each meeting of the Council shall convene at the time appointed for such meeting, as provided by Section 2-1. The Clerk, or someone appointed to fill his/her place by the presiding officer, shall thereupon immediately call the roll of members. A quorum for the transaction of business shall consist of a majority of all the Council, including the Mayor, entitled by law to be elected. If no quorum is present, the Council shall not thereby stand adjourned, but the members present shall have authority to adjourn or recess the meeting to a day certain by majority vote of those members present.

*Rule 4. Filing or receipt of documents.*

(a) Where the Council determines that it is desirable or necessary that a document be permanently maintained in the office of the Village Clerk, it may direct that the document be placed "on file". Materials placed on file by the Village Council shall be maintained by the Village Clerk with the official records of the Village Council, in the permanent files of the Village.

(b) Where the Council determines that it is desirable or necessary that a document be temporarily held in the office of the Village Clerk, it may direct that the document be "received". Materials received by the Village Council shall not be considered records or documents of the Village, and shall be held by the Village Clerk for a period of sixty 60 days, or such other time as the Council may direct.

*Rule 5. Consent Agenda.*

(a) The Village Manager or the Manager's designee shall establish and submit a consent agenda to be considered by the Village Council at each regularly scheduled Village Council meeting. Such consent agenda shall contain all matters, except ordinances, deemed by the Village Manager to be suitable and of a non-controversial nature. This is expected to include, but is not necessarily limited to approval of bids, bills payable, resolutions and miscellaneous motions as well as matters on which a preliminary vote or recommendation, awaiting the drafting of final documents, has been taken by the Council. The consent agenda may be adopted by a roll call vote and such roll call shall be recorded in the minutes of the Village Council as approving each item contained in said consent agenda. The motion to adopt the consent agenda shall be non-debatable.

(b) Any item may be removed from the consent agenda at the Council meeting by the request of any Council member in which case the item shall be considered separately.

(c) In the event one or more Council members wishes to receive further information regarding any individual item in a list of bills payable, said Council member shall immediately before the vote approval of the consent agenda so notify the Village Clerk who will make an appropriate reference in the minutes and

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such individual item shall be removed from the list of bills payable and the remainder of items approved as part of the consent agenda.

(d) The taking of a single vote on the consent agenda shall be deemed sufficient compliance with all requirements of law to all intents and purposes and with like effect as if the vote in each case had been taken separately by nays and ayes on the question of each resolution and motion included on the consent agenda. In particular, but without limitation, such vote shall be deemed to have authorized the suspension of the rules, waiving of first reading and pass on second reading, waiving competitive bidding and awarding contracts, approving and adopting resolutions, as needed per items listed in the consent agenda.

(e) In the event one or more Council members wishes to be recorded as passing or voting against any item included in the consent agenda, said Council member shall immediately before the vote approval of the consent agenda so notify the Village Clerk who will make an appropriate reference in the minutes to so record such negative votes.

*Rule 6. Order of business.* The Manager, or the Manager's designee shall establish and submit an agenda for each Council meeting. In the absence of a written agenda, the presiding officer of the meeting shall establish the order of business. The Village Clerk shall post or otherwise provide notice of the agenda as required under the Illinois Open Meetings Act.

*Rule 7. Duties of members.* While the presiding officer is putting the question, no Council member shall walk across or out of the Council chamber.

Every member, previous to speaking, making a motion, or seconding one, shall address the presiding officer by his/her last name preceded by the word "Mayor", and shall not proceed until recognized and named by the chair. Remarks shall be confined to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

When two or more members address the chair at the same time, the presiding officer shall name the member who is first to speak.

*Rule 8. Visitors.*

(a) Persons other than a member of the Council shall be permitted to address that body as follows:

(1) With the consent of a majority of the members present.

(2) During a public hearing. Provided comments and questions shall be limited to the purpose and scope of the public hearing.

(3) During public comment portion of any meeting.

(b) Each person addressing the Council shall give his or her name and address in an audible tone of voice for the record, and unless further time is granted by the Council, shall limit his or her address to five (5) minutes.

(c) All remarks shall be addressed to the Council as a body and not to any member thereof.

(d) No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer.

(e) No question shall be asked of a Council member except through the presiding officer.

*Rule 9. Presentation of Communications.* When a member wishes to present a communication or other matter to be placed on file, he/she shall send it to the Mayor, or at the Mayor's discretion, the Village Clerk, who shall either read such matter when reached in its proper order, or shall describe its content in a manner sufficient for it to be identified, prior to its being placed on file.

*Rule 10. Debate.* No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration shall have the right to open and close debate. No member shall speak longer than ten (10) minutes at any one time, except by consent of the Council; and in closing debate on any question, as above provided, the speaker shall be limited to five (5) minutes, except by special consent of the Council.

While a member is speaking, no member shall hold any private discussion.

*Rule 11. Call of member to order.* A member, when called to order by the chair, shall thereupon discontinue speaking and take his/her seat, and the order or ruling of the chair shall be binding and

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conclusive, subject only to the right of appeal.

*Rule 12. Appeals from decisions of the chair.* Any member may appeal to the Council from a ruling of the chair and, if the appeal is seconded, the member making the appeal may briefly state his/her reason for the same, and the chair may briefly explain his/her ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "No", the decision of the chair shall be overruled; otherwise, it shall be sustained.

*Rule 13. Question of personal privilege.* The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned, or impugned.

*Rule 14. Voting.* Every member of the Council who is present when a question is stated from the chair shall vote thereon, unless excused by the Council, or unless such member is personally interested in the question, in which case that member shall abstain. If a Council member is personally interested in the question, he/she shall disclose such interest and abstain from voting on the matter. The abstention shall count in the manner provided by law.

*Rule 15. Special order of business.* Any matter before the Council may be set down as a special order of business at a time certain, if a majority of the Council present vote in the affirmative, but not otherwise.

*Rule 16. Seconding of motions required; written motions.* No motion shall be put or debated in the Council unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Council, except motions of procedure, shall be reduced in writing, if required by a member, and the proposer of the motion shall be entitled to the floor.

*Rule 17. Withdrawal of motions.* After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the Council, but it may be withdrawn at any time before decision, by consent of the Council.

*Rule 18. Division of questions.* If any question under consideration contains several distinct propositions, the Council by majority vote of the members present may divide such question.

*Rule 19. Record of motions.* In all cases, the name of the member moving, and also the name of the member seconding, a motion, shall be entered in the minutes.

*Rule 20. Taking and entering the votes.* The "yeas" and "nays" or any "abstentions" upon any question shall be taken and entered in the minutes.

When the Clerk has commenced to call the roll of the Council for the taking of a vote by "yeas" and "nays" or any "abstentions", all debate on the question before the Council shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his/her vote, but shall respond to the calling of his/her name by the Clerk by answering "yea" or "nay" or "abstain", as the case may be.

*Rule 21. Announcement and change of votes.* The result of all votes by "yeas", "nays", or "abstains" shall be announced by the Mayor, and no vote shall thereafter be changed.

*Rule 22. Precedence of motions.* When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

- (a) To adjourn to a day certain
- (b) To adjourn
- (c) To take a recess
- (d) To lay on the table
- (e) To submit the previous question
- (f) To amend
- (g) To defer or postpone to a time certain
- (h) To defer or postpone (without reference to time)
- (i) To defer or postpone indefinitely

Paragraphs (b), (d), and (e) shall be decided without debate.

*Rule 23. Motions to adjourn.* A motion to adjourn the Council shall always be in order except:

- (1) When a member is in possession of the floor;



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- (2) When the members are voting;
- (3) When adjournment was the last preceding motion; or
- (4) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The Council may at any time adjourn over one or more regular meetings, on a vote of a majority of all the Councilmen authorized by law to be elected.

*Rule 24. Previous question.* This is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion (i.e. the motion on the floor that was stated last). When the previous question is moved on the main question, and seconded, it shall be put in this form:

"Shall the main question now be put?"

If such motion be carried by a majority vote, all further amendments and all further motions and debates shall be excluded, and the question put without delay, upon the pending amendments in proper order, and then upon the main question.

*Rule 25. Motions to lay on the table and to take from the table.* A motion simply to lay a question on the table shall not be debatable; but a motion to lay on the table and publish, or with any other condition, shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided a majority of the Councilmen present vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

*Rule 26. Indefinite postponement; motion to defer or postpone, without any reference to time.* When consideration of a motion or other proposition is postponed indefinitely, the effect is to reject the proposition. A motion to postpone indefinitely opens the main question to debate. If passed, a motion to postpone indefinitely may be reconsidered.

A motion to defer or postpone, without reference to time, shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature, and to possess the same general attributes so far as applicable under these rules, as a motion to postpone definitely or to time certain.

*Rule 27. Motion to amend.* A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject, shall not be in order.

On an amendment to "strike out and insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally the paragraph as it will stand if so amended shall be read.

*Rule 28. Motion to substitute.* A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained notwithstanding that at such time further amendment is admissible; and if accepted by the Council by vote, shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

*Rule 29. Reconsideration.* A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, having once been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider may be made and seconded only by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

*Rule 30. The minutes.* The Clerk shall keep the minutes of the proceedings of the Council. Within

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no more than fourteen (14) days after each meeting of the Council, the Clerk shall supply each member a typewritten, printed copy or electronic copy of the proceedings.

*Rule 31. Style of ordinances.* The style of all ordinances shall be: "BE IT ORDAINED by the Council of the Village of Downers Grove, DuPage County, Illinois..."

*Rule 32. "Yea" and "nay" vote.* The yeas, nays and abstentions shall be taken upon the passage of all ordinances and on all propositions to create any liability against the Village, or for the expenditure or appropriation of its money and in all other cases at the request of any member of the Council; and such vote shall be entered on the journal of the proceedings.

The Mayor and each Commissioner shall have the right to vote on all questions coming before the Council. Four members of the Council shall constitute a quorum. Except when a greater number is mandated by law, the affirmative vote of 4 members shall be necessary to adopt any motion, resolution or ordinance.

*Rule 33. Adoption of Robert's Rules of Order Revised.* The rules of parliamentary practice comprised in the latest published edition of Robert's Rules of Order Revised, shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the special rules of this Council.

*Rule 34. Temporary suspension of rules; amendments of rules.* These rules may be temporarily suspended by a majority vote of all members of the Council entitled by law to be elected, and shall not be repealed, altered or amended, unless by concurrence of a majority of the Councilmen entitled by law to be elected.

*Rule 35. Censure of members; expulsion of members.* Any member acting or appearing in a lewd or disgraceful manner, or who uses abusive, obscene or insulting language to or about any member of the Council, or who does not obey the order of the chair, or who disregards the confidentiality of Village matters, may be, on motion, censured by a majority vote of the members present, or expelled by a three-fourths vote of all members elected.

*Rule 36. Personal announcements.* A member shall not address the Council with regard to; (1) his/her or another person's candidacy for election or re-election to any public office; (2) events sponsored by organizations other than the Village or other local civic organizations; or (3) other matters not related to the business of the Village, except as such matters may concern mayoral proclamations properly before the Council.

*Rule 37. Reading.* Each resolution or ordinance shall be reduced to writing and its contents summarized by the Mayor, or such other official as the Mayor may from time to time designate, before a vote is taken thereon. At any time prior to a final vote thereon, including such time as when a matter is scheduled for formal consideration, the Council, by a majority vote of its members present, may direct the Village Clerk to read aloud the complete text, or such portion thereof as the Council may instruct, of any resolution or ordinance. Proposed ordinances shall be submitted to the Village Council for a first reading at a public meeting, not less than five (5) days before the meeting at which final action is to be taken thereon. Thereafter, such proposed ordinances may be amended without further opportunity for public inspection but all such amendments shall be noted at the time of formal action on such ordinances. Provided, the Village Council may, for such reasons as the Council determines appropriate, waive this reading requirement by majority vote of those present, and any vote to approve such item shall be deemed to include a motion to waive first reading.

*Rule 38. Validity of enactments.* The validity and enforceability of any ordinance, resolution or motion which is otherwise adopted in accordance with applicable law shall not be impaired or affected by any violation of any provision of these rules. (Ord. No. 1024; Ord. No. 1491, § 1; Ord. No. 2261, § 8; Ord. No. 2339, § 2; Ord. No. 2715, § 1; Ord. No. 2920, § 1; Ord. No. 3266, § 4; Ord. No. 3506, 9/14/92; Ord. No. 3660, 7/25/94; Ord. 3692, 11/7/94, Ord. 3917, 2/3/97; Ord. No. 4142, 8/2/99; Ord. No. 4285, 4/17/01; Ord. 4582, 4/20/04; Ord. 4746, Ord. 1/17/06; Ord. 4849, 01/16/07, Ord. 4852, 2/20/07; Ord. 5117, 1/12/10; .)

### **Section 2.5.1. Standing Council Committees.**

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- (a) There shall be the following standing committees of the Village Council.
- (1) Finance & Administrative
  - (2) Public Safety
  - (3) Public Services
- (b) The standing committees shall consist of two (2) members, including the chairperson. No member shall serve in more than one (1) chairperson capacity or as a member of more than one committee other than the one chaired. All standing committee appointments, including designation of the chairpersons, shall be by the Mayor, subject to confirmation by the Council. Organization of committees shall be accomplished at the first regular meeting of the Council in each fiscal year.
- (c) Each committee shall be empowered to investigate, evaluate, recommend and generally consider matters as referred by the Village Council or the Mayor.
- (d) Each committee may establish appropriate rules governing their meetings and activities.
- (e) All standing committee meetings shall be held in accordance with the Illinois Open Meetings Act. (Ord. No. 4285, 4/17/01; Ord. No. 4343, 11/20/01; Ord. No. 4781, 6/6/06)

### **Section 2.6. Creation of departmental groups.**

The Village government shall be administered, under the direction and control of the Village Manager, within major departmental groups as follows:

Police.  
Fire.  
Public Works.  
Administrative.  
Operational.

The Village Manager shall designate operating departments within each such group and for financial purposes shall designate programs within each operating department. (Ord. No. 956, § 1; Ord. No. 1811, § 1; Ord. No. 2261, § 9; Ord. No. 2434, § 1; Ord. No. 3266, § 5; Ord. No. 3379, § 1, Ord. 3663, 8/1/94; Ord. No. 4000, 1/19/98; Ord. No. 4411, 5/21/02)

NOTE: For state law as to creation of departments, see Ill. Comp. Stat., ch. 65, § 5/5-3-8.

### **Section 2.7. Control and supervision of departmental groups.**

The Village Manager shall have complete control and supervision of all major departmental groups and subdivisions thereof created by Section 2-6. (Ord. No. 956, § 2; Ord. No. 2434, § 2; Ord. No. 3266, § 6.)

NOTE: For state law giving manager control over departments, see Ill. Comp. Stat., ch. 65, § 5/5-3-8.

### **Section 2.8. Contract for professional services.**

The Council may from time to time on the recommendation of the Manager, contract for professional services to the Village, including, but not limited to engineering, architectural, legal and accounting services. (Ord. No. 2261, § 10; Ord. No. 3266, § 2.)

### **Section 2.8ART. Article II. Officers and Employees**

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**Section 2.8DIV. Division 1. Generally**

**Section 2.9. Notice of election to be given.**

The Village Clerk shall notify in writing, each person duly elected to office. (R.O. 1925, § 5.)

**Section 2.10. Terms of office for elected officers.**

(a) The term of office for elected Village officers shall commence at the first regular or special meeting in the month of May following proclamation of the results of the regular municipal election at which such officers were elected.

(b) Effective for Village officers elected at the April 5, 2011 Consolidated Election and all those elected thereafter:

(1) No person shall serve as Mayor for more than two (2) consecutive four (4) year terms;  
and

(2) No person shall serve as Village Commissioner for more than three (3) consecutive four (4) year terms.

(Ord. No. 2516, § 2; Ord. No. 3266, § 7; Ord. 5199, 5/3/11)

**Section 2.11. Appointments.**

At its first meeting in May or as soon thereafter as shall be practicable, the Village Council shall fill all appointive offices to be appointed by it. (R.O. 1925, § 7; Ord. No. 3266, § 7.)

**Section 2.12. Terms of office for appointments.**

Each appointive officer shall hold office for the term specified, or portion thereof, for which the appointment was made, and until a successor shall have been duly appointed and qualified, or until such officer shall resign or be removed pursuant to Section 2-14 hereof, whichever occurs first. (R.O. 1925, § 8; Ord. No. 3266, § 8.)

**Section 2.13. Salaries.**

The salaries of the Mayor and Village Council shall be fixed by ordinance and shall not be increased or decreased during their term of office. (R.O. 1925, § 12; Ord. No. 2261, § 11; Ord. No. 3266, § 7.)

NOTE: For state law as to compensation of village officials, see Ill. Comp. Stat., ch. 65., §§ 5/5-4-1 to 5/5-4-3.)

**Section 2.14. Removal of officers.**

Any appointive officer shall be subject to removal by the appointing authority, at any time. (R.O. 1925, § 23; Ord. No. 3266, § 7.)

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### **Section 2.15. Delivering village property to successor in office.**

Every officer of the Village shall, upon the expiration of such officer's term of office or service, or within five days after notification and request, or forthwith, upon order of the Council, deliver to the successor to such office, or to such other person as the Council shall direct, all the property, books, papers, plats, maps, records, files and effects of every description which are in the possession or under the control of such officer and which belong to the Village or appertain to the office. Upon a refusal to do so, such officer shall be liable for all damages caused thereby and shall be deemed guilty of a misdemeanor, punishable as provided in Section 1-15 of this Code. (R.O. 1925, § 24; Ord. No. 3266, § 9.)

### **Section 2.15DIV. Division 2. Mayor**

### **Section 2.16. Powers and duties.**

The Mayor shall have all the powers and perform all the duties hereinafter set forth and as is provided by the laws of the state. Among other things the Mayor shall perform the following duties:

To preside at all regular or special meetings of the Council, unless unavoidably prevented.

To act as Liquor Commissioner, subject to state statute, and to sign liquor licenses.

To countersign documents as authorized by applicable law.

The Mayor shall be recognized as the official head of the Village. (R.O. 1925, § 15; Ord. No. 2167, § 1; Ord. No. 3266, § 10.)

NOTE: For state law as to powers and functions of the mayor, see Ill. Comp. Stat., ch. 65, § 5/5-3-1.

### **Section 2.17. Mayor pro tem.**

(a) Within 60 days following any general municipal election at which members of the Council the Mayor shall appoint from the members of the Council a Mayor pro tem, subject to confirmation by the Village Council. The Mayor pro tem shall serve until any of the following occur:

(1) Such person resigns as Mayor pro tem, or

(2) Such person is no longer a member of the Council, or

(3) A successor is chosen following the next general municipal election, or

(4) Such person is removed as Mayor pro tem by the Mayor or an affirmative vote of not less than five members of the Council.

(b) In the absence of the Mayor, the Mayor pro tem shall have the duty to exercise any power vested in the Mayor and to perform such acts or executive functions as are required of the Mayor, unless otherwise expressly provided in this Code.

(c) The Mayor pro tem shall assist the Mayor as requested in the performance of such duties and activities as the Mayor may designate. This may include, but is not necessarily limited to, the following:

(1) Acting as presiding officer of the Council during a temporary absence or disability of the Mayor, or when requested to do so by the Mayor.

(2) Assisting the Village Manager in evaluating and preparing agendas for future Council meetings. This may include meeting informally with the Manager in addition to or in lieu of the Mayor to discuss pending or likely agenda items as well as matters related to Council functions.

(3) Facilitating the exchange of communication and information between members of the Council. Council members will, where practical, consult with the Mayor pro tem regarding the appropriate timing and efficient presentation of items desired by the Council members before the Village Council.

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(4) Such other duties as the Mayor shall direct. (R.O. 1925, § 492; Ord. No. 3266, § 11; Ord. 4285, 4/17/01)

### **Section 2.17DIV. Division 3. Village Manager**

#### **Section 2.18. Creation.**

The office of Village Manager is hereby created. (Ord. No. 948, § 1; Ord. No. 3266, § 7.)

NOTE: For state law as to the municipal manager generally, see Ill. Comp. Stat., ch. 65, § 5/5-3-7.

#### **Section 2.19. Appointment and qualifications.**

(a) The Village Manager shall be appointed by a majority vote of the Village Council, and may be removed by a similar vote at any time.

(b) The Village Manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to education in public administration and actual experience in, and knowledge of, accepted practices in respect to the duties of the manager's office. At the time of appointment, the manager need not be a resident of the Village or the state, but shall reside within the Village within six months after the appointment unless such time is otherwise specifically extended by the Village Council. No elected official shall be eligible for appointment as Manager during the term for which such office has been elected, nor within one year after the expiration of such term. (Ord. No. 948, §§ 2, 3; Ord. No. 3266, § 12.)

#### **Section 2.20. Powers and duties generally.**

The Village Manager shall be the Chief Administrative Officer for the Village and shall be responsible to the Village Council for the proper administration of all Village affairs. The Manager shall have the following powers and duties:

(a) To properly plan, coordinate and direct the functions of the Village government in a manner consistent with existing statutes and ordinances.

(b) To employ and discharge all employees under his/her supervision, subject to statutory limitation.

(c) To cause to be prepared and submitted to the Council a five year financial plan and such other statements, reports, or data as may be necessary to permit the Council to pass and approve annual budgets on or before May 1 in each year provided that effective January 1, 2007, the date shall change to January 1st of each year, and to cause appropriation ordinances, tax levy ordinances and other ordinances to be prepared, as required by state statutes.

(d) To prepare and submit to the Council an annual report at the end of each fiscal year on the finances and administrative activities of the Village during the preceding year.

(e) To cause to be prepared and submitted to the Council such financial statements as are necessary from time to time to inform the Council of the exact financial condition of the Village.

(f) To recommend to the Council a personnel code which shall include job classifications and schedules of pay for each classification.

(g) To attend all meetings of the Village Council, with the right to take part in the discussion of all matters before the Council, but with no right to vote.

(h) To supervise the purchase of all materials, supplies and equipment for which funds have been provided in the budget, in accordance with existing laws and statutes; provided that no purchase in excess of any appropriation shall be permitted.

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- (i) To direct the enforcement of all laws and ordinances within the Village.
- (j) To perform such other duties as may be required by the Council in a manner consistent with the state statutes or Village ordinances.
- (k) To recommend to the Village Council for adoption, such measures as are determined by the Manager to be necessary or expedient.
- (l) To issue, amend or repeal administrative regulations, policies and procedures for the Village and Village staff. (Ord. No. 948, § 4; Ord. No. 3266, § 12; ORd. 4700, 8/16/05; Ord. 4852, 2/20/07)

### **Section 2.21. Emergency actions.**

In case of accident, disaster or other circumstances creating public emergency, the Village Manager shall take the necessary action to meet such emergency, and shall file promptly with the Council a statement describing such emergency and the necessity of such action taken, together with an itemized account of all emergency expenditures. (Ord. No. 948, § 5; Ord. No. 3266, § 13.)

### **Section 2.22. Oath.**

The Village Manager shall take and subscribe to the oath of office prescribed by the statutes. (Ord. No. 948, § 6; Ord. No. 2737, § 1; Ord. No. 3266, § 7.)

### **Section 2.23. Compensation.**

The Village Manager shall receive such compensation as shall be determined by the Village Council from time to time. (Ord. No. 948, § 7; Ord. No. 3266, § 7.)

NOTE: For state law as to compensation of the village manager, see Ill. Comp. Stat., ch. 65, § 5/5-4-2.

### **Section 2.24. Acting Village Manager.**

In case of the resignation or removal of the Village Manager or an authorized leave of absence or disability in excess of sixty days, the Council may designate a qualified employee of the Village to perform the duties of the Village Manager as Acting Village Manager. (Ord. No. 948, § 8; Ord. No. 3266, § 14.)

### **Section 2.24.DIV. Division 4. Clerk and Treasurer**

### **Section 2.25. Appointment.**

A Village Clerk and Village Treasurer shall be appointed by the Village Council from time to time by majority vote, after the Village Manager has presented a recommendation concerning a person or persons to serve in such offices. (Ord. No. 954, § 1; Ord. No. 2669, § 1; Ord. No. 3266, § 7.)

NOTE: For state law authorizing the appointment of the clerk and the treasurer, see Ill. Comp. Stat., ch. 65, § 5/5-2-19.

### **Section 2.26. Duties of the Village Clerk.**

In addition to the statutory duties, and those contained elsewhere in this Code imposed upon the Village Clerk, there are hereby imposed the following:

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- (a) To publish all proceedings of, and all ordinances, by statute required to be published, and which are passed by the Council in the official publication of the Village, within ten days of the approval thereof;
- (b) To keep an index of all Council proceedings, and of all ordinances and resolutions presented or passed, and of all petitions filed;
- (c) To issue and sign all licenses except liquor licenses, subject to the requirements of applicable law, and to keep an accurate record thereof;
- (d) To serve or cause to be served all notices, which are required by statutes, ordinance, or order of the Mayor or Village Council to be served in the manner required by law, unless some other person is given the duty to serve a notice by statute or ordinance;
- (e) To act as the sole custodian of the Village seal;
- (f) To keep a complete and accurate file of the official papers and documents of the Village and to arrange the same in systematic order for ready reference;
- (g) To countersign all contracts, bonds or other agreements in writing, or evidence of indebtedness, made in the name of the Village and by authority of the Village Council;
- (h) To keep a list of all committees, boards and commissions and of the business from time to time referred to them respectively, and a memorandum of all reports made by them;
- (i) To perform all, and such duties as are, from time to time imposed upon the Village Clerk by the Council;
- (j) To keep a record of all the maps, plats and subdivisions of the property within the boundaries of the Village; and, to be the custodian of the Village plat book;
- (k) To keep a record of all ordinances and resolutions of the Village. (R.O. 1925, § 19; Ord. No. 2167, § 2; Ord. No. 2261, § 13; Ord. No. 2393, § 2; Ord. No. 2725, § 4; Ord. No. 3266, § 16.)

### **Section 2.26.1. Deputy Village Clerk.**

In the absence of the Village Clerk, any Deputy Village Clerk appointed by the Village Council shall have the duty to exercise any power vested in the Village Clerk or to perform any duty which the Village Clerk is required to perform, unless otherwise expressly provided in this Code. The Deputy Clerks may execute official documents as Deputy Clerk, and their signatures thereon shall have the same effect as if signed by the Village Clerk. (Ord. No. 3293, § 1.)

### **Section 2.27. Duties of the Village Treasurer.**

The Village Treasurer shall have all duties imposed by statute or ordinance, and in addition to such duties shall perform the following:

- (a) Upon authorization by the Village Council, by passage of a claim ordinance related thereto, to pay all vouchers and warrants.
- (b) To keep a record of all warrants or vouchers drawn on the Village, stating the date, number and amount thereof, to whom payable, and against what Village fund drawn.
- (c) Pursuant to such investment policies as may from time to time be approved by the Village Council, to deposit the money of the Village in any authorized depository.
- (d) To act as Village Collector for purposes of collecting tax revenues for any regular or special assessments and to execute any required certificates to confirm payment thereof.
- (e) To assist the Village Manager with his/her duties as they relate to the preparation of financial documents, including the five year plan, the annual budget, the annual appropriation ordinance, and the annual tax levy, for submission to the Village Council.
- (f) To render a monthly report, in writing, of all moneys collected and held for the Village, and to report to the Village Council concerning such moneys at the request of the Village Council as any other time.
- (g) To issue checks as set forth below without prior Council approval. Such checks shall be reported to and approved by the Village Council following issuance. Provided, payments shall not be



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separated or grouped to avoid any monetary limit set forth herein.

- (1) Payroll checks.
  - (2) Treasurer's disbursement checks or electronic funds transfers for goods or services previously contracted for and approved by the Village.
  - (3) Treasurer's disbursement checks or electronic funds transfers up to \$2,500 as determined necessary by the Treasurer to comply with the Illinois Prompt Payment Act or to avoid a financial penalty including but not limited to the loss of a discount.
  - (4) Treasurer's disbursement checks or electronic funds transfers not to exceed \$5,000 as determined necessary by the Treasurer to provide for the timely purchase of goods or services.
  - (5) Refund of construction security bonds and deposits not to exceed \$10,000 upon verification that work has been properly completed.
- (h) To approve the amount of any administrative fee authorized under this Code but which no specific fee amount is provided herein, and to establish rules and regulations concerning the standards and procedures for approval of such a fee. (R.O. 1925, § 22; Ord. No. 240, § 1; Ord. No. 2261, § 14; Ord. No. 2393, § 3; Ord. No. 3266, § 17; Ord. 3890, 10/28/96; Ord. 3949, Ord. 6/30/97; Ord. 4852, 2/20/07)

### **Section 2.27.DIV.          Division 5.    Village Attorney**

#### **Section 2.28.    Appointment.**

A Village Attorney shall be appointed by the Village Council from time to time by majority vote, after the Village Manager has presented a recommendation concerning a person or persons to serve in such office. (Ord. No. 2669, § 2; Ord. No. 3266, § 18.)

#### **Section 2.29.    Powers and duties of the Village Attorney.**

In addition to such powers and duties of the Village Attorney as may be provided for by statute or ordinance, the Village Attorney shall also perform the following:

- (a) To engage the Village's special counsel or other attorney or firm of attorneys for the purpose of prosecuting or defending any suit or action at law or in equity to which the Village may be a party, for the conduct of any special assessment, special taxation or condemnation proceedings, or for other matters affecting the legal representation of the Village, if in the opinion of the Village Attorney, the interests of the Village can be more fully, effectively, or economically represented by such attorney or firm of attorneys.
- (b) To perform or cause to be performed all legal services for the Village upon the direction of the Village Council, the Mayor or the Village Manager.
- (c) To prepare an annual budget to set forth the estimated expenditures for legal representation for the fiscal year, to advise the Village Council of any event or occurrence which may cause the total expenditures by the Village for legal representation for any item shown in said budget to exceed the amounts budgeted therefor, and to provide a recommendation with respect to a method or course of conduct for avoiding or finding such excess expenditure. (R.O. 1925, § 18; Ord. No. 2669, § 2; Ord. No. 3266, § 20.)

### **Section 2.29.1.DIV          Division 6.    Inspectors**

#### **Section 2.30    Identification to be carried on duty.**

All persons appointed by the Village or designated or employed by any individual or company to inspect premises or places in the Village shall carry some means of identification authorized by the Village

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Manager on which shall be designated the particular business, appointment, or employment of the individual carrying such identification. (R.O. 1925, § 299; Ord. 2261, § 15; Ord. No. 2669, § 2; Ord. No. 3266, § 18.)

### **Section 2.31. Impersonation.**

Every person who shall misrepresent himself to be an inspector as representing the Village or any individual or corporation, and shall by and through such misrepresentation gain admittance into any premises or place in the Village, shall be deemed guilty of a misdemeanor and subject to punishment as provided by Section 1-15. (R.O. 1925, § 300; Ord. No. 3266, § 18.)

NOTE: As to impersonation of electrical inspectors, see § 10-14 of this Code.

### **Section 2.32. Applicability of Sections 2-30 and 2-31 to public service corporations.**

The provisions of Sections 2-30 and 2-31 shall be applicable to and enforceable against meter readers of the various public service corporations. (R.O. 1925, § 301; Ord. No. 3266, § 19.)

### **Section 2.32.ART. Article III. Finance**

#### **Section 2.32.DIV. Division 1. General**

### **Section 2.33. Monthly accounts by Treasurer; transfer of funds to Treasurer required.**

All moneys collected or held for the Village shall be promptly turned over to the Village Treasurer. Any Village official violating any provisions of this section or wrongfully withholding any moneys belonging to the Village, shall be punished as provided in Section 1-15. (R.O. 1925, § 13; Ord. No. 3266, § 24.)

#### **Section 2.33.1. Insufficient Funds (NSF) Received.**

Whenever any personal or business check or debit/credit card or ACH direct debit account information is tendered as payment for any Village required expense or fee when there is an insufficient amount of money available in the account and the bank, credit union or credit card company sends an NSF notice to the Village, an administrative fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" may be assessed by the Village in addition to any pass-through costs associated with such a transaction from the Village's banking institution. (Ord. No. 4695; 7/5/05; Ord. No. 5132, 4/20/10)

### **Section 2.34. Books of account.**

The Director of Finance and Administrative Services, subject to the approval of the Council, shall prescribe the manner in which the books and accounts of the Village are to be kept in accordance with state statutes and with current and accepted accounting practices consistent therewith. (R.O. 1925, § 14; Ord. No. 3266, § 25; Ord. No. 3346, § 2.)

### **Section 2.35. Disposition of surplus personal property owned by Village.**

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(a) When the Village Manager determines that the Village owns surplus personal property which is no longer necessary or useful to or for the best interests of the Village, he/she is, subject to the limitations hereinafter set forth, authorized and directed to proceed without further authorization by the Village Council to dispose of such surplus property by sale, trade-in or any other manner he/she considers most advantageous to the Village.

(b) The authority granted to the Village Manager in paragraph (a) of this section shall be limited to the disposition of any single item or any group of items designated by the Village Manager to be disposed of as a unit with a value estimated by the Village Manager to be not in excess of twenty-five hundred dollars (\$2,500.00).

(c) In the event the surplus personal property has a value estimated by the Village Manager to be more than twenty-five hundred dollars (\$2,500.00) but less than five thousand dollars (\$5,000.00), the Village Manager shall establish a minimum bid to be accepted for each item. After causing the surplus property to be advertised as provided in paragraph (e) hereof, the Village Manager shall dispose of the surplus property to the highest bidder and report the disposition to the Village Council.

(d) In the event the surplus personal property to be disposed of has a value estimated by the Village Manager to be equal to or in excess of five thousand dollars (\$5,000.00), the Village Manager may proceed to dispose of the same only after establishing a minimum bid to be accepted for each item and advertising for bids as provided in paragraph (e) hereof. The Village Manager shall dispose of the surplus property by obtaining the prior approval of the Village Council for the disposition of surplus personal property in the following manner. The Village Manager shall submit to the Village Council a request for authorization to dispose of such surplusage by submitting a schedule of the property and a resolution of authorization, the Village Council may then direct the Village Manager to commence disposal of such surplusage.

(e) When the Village Manager is obligated, pursuant to paragraphs (c) and (d) hereof, to advertise items of surplus personal property for disposition to the highest bidder, the following procedure shall be employed:

(1) Public notice of the disposition including the time, place, terms of disposition and the schedule of disposition shall be posted in a public place in Village Hall and on the Village website. Such notice of intended sale of surplus property shall constitute notice to the general public and anyone who may have interest in purchasing the items of surplus property. When the Village Manager determines that it is not practicable to so advertise the disposition, he/she may dispose of the surplus personal property in whatever manner he/she considers most advantageous to the Village.

(2) No sale of surplus property shall be effected by the Village until the public notice required under this section shall have been posted for seven (7) days, and thereafter, the Village Manager is authorized to proceed to deliver a bill of sale for any or all of such items;

(f) If the Village is unable to sell its surplus property after solicitation to the public as referred to herein, the Village may donate the surplus property to any not-for-profit corporation, organization or entity, as determined by Section 501(c)(3) of the Internal Revenue Code, having its principal place of business or doing a substantial amount of business in the Village at no charge to the recipient.

(g) If an item or group of items of surplus personal property has a value which has been estimated in good faith, and disposition of the surplus property is made in accordance with the procedure applicable to surplus property of the estimated value, the disposition by the Village Manager, in all events, shall be deemed to be lawful and binding regardless of the amount of proceeds received from the disposition.

(h) No sale of surplus personal property shall be made to a person who is at the date of such sale an officer, agent or employee of the Village or an immediate family member of the officer, agent or employee. Immediate family members shall include spouses and dependent minor children living with the officer, agent or employee. (Ord. No. 1794, § 6; Ord. No. 2261, § 16; Ord. No. 2599, § 1; Ord. No. 3030, § 2; Ord. No. 3266, § 26; Ord. No. 3918, 2/10/97; Ord. 4825, 12/5/06)

### **Section 2.35.1. Internet Auctions. Generally.**

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(a) There is hereby established an Internet auction account on the Internet auction website (i.e. www.ebay.com) which is open to and advertised to the public for the purpose of selling surplus personal property as may be declared surplus by the Village Council from time to time. A minimum buyer deposit of two hundred dollars (\$200.00) shall be required for all surplus vehicle purchases.

(b) The Village Manager is hereby authorized and may direct the Internet auction service to facilitate an agreement for the sale of surplus personal property owned by the Village to the highest bidder on said declared surplus property as provided in Section 2.35. It is understood that the Internet auction site will charge an administrative fee which fee will be paid from the proceeds from the sale of declared surplus vehicles and equipment.

(c) Upon payment of the full auction price, the Village Manager is authorized and directed to convey and transfer title to the aforesaid surplus personal property to the successful highest bidder. Thereafter, the Village Manager shall report the disposition of the property to the Village Council by written communication in a timely manner. The communication need not be read at a public meeting, but shall be available for public inspection upon release to the Village Clerk, who shall keep report of such disposition. (Ord. 4825, 12/5/06)

### **Section 2.36. Sale, transfer or lease of real property owned by the Village.**

(a) Any real estate owned by the Village, except real estate granted to the Village as commons by a grant which has been confirmed by the government of the United States, may be (leased for any term not exceeding ninety-nine years) sold or exchanged when, in the opinion of the Village Council, such real estate is no longer necessary, appropriate, required for the use of, profitable to or for the best interests of the Village. The power to sell or exchange real estate shall be exercised by an ordinance adopted by a vote of three-fourths of the members of the Village Council then holding office at a regular meeting or at a special meeting called for that purpose. The Village Manager is authorized to sign and execute rental agreements for real estate owned by the Village when, in the opinion of the Village Manager, the rental is in the best interest of the Village. Such lease by the Village Manager shall not exceed one year or such shorter terms as the Council may from time to time designate for any particular parcels.

The disposition of real estate acquired pursuant to Section 6 of the Urban Community Conservation Act (Illinois Compiled Statutes, Chapter 315, Sections 25/1 et seq.) or acquired pursuant to the Urban Renewal Consolidation Act of 1961 (Illinois Compiled Statutes, Chapter 315, Section 30/1 et seq.) and acquired pursuant to that Act by the Village as the local public agency under an urban renewal project as defined therein, shall be exempt from the requirements of this section.

For purposes of this section an exchange of real estate shall be deemed to take place when a conveyance of title to real estate is made by the Village to a grantee in connection with or in consideration of a conveyance of title to other real estate to the Village by such grantee; provided, that an exchange of real estate may include the giving or receipt by the Village of additional consideration in the form of other property or money.

(b) The requirements of Chapter 65 of Paragraph 5/11-76-1 of the Illinois Compiled Statutes for publication of a proposal to sell any real estate owned by the Village, and acceptance of bids therefor, may be waived by the Village Council with respect to any specific proposed sale or lease of real estate; provided, that the ordinance required under this section contains a statement that such waiver is being made, and sets forth a reason or reasons why such waiver is necessary or for the best interests of the Village with respect to such sale or lease.

(c) When the ordinance has been adopted as provided in this section and the consideration due to the Village has been paid, delivered or otherwise secured in accordance with applicable law, the Mayor and the Clerk of the Village may convey and transfer title to the real estate by a proper deed of conveyance, stating therein the consideration therefor, with the seal of the Village affixed thereto. (Ord. No. 3266, § 27; Ord. No. 3794, 10/23/95; Ord. No. 4000, 1/19/98)

**Section 2.37. Reserved.**

**Section 2.38. Reserved.**

**Section 2.39. Disposition of unclaimed funds; presumption of abandonment.**

All funds held by the Village that have remained unclaimed by the owner for a period of more than four years after the last transaction related thereto, are presumed abandoned. (Ord. No. 2424, § 1; Ord. No. 3266, § 39; Ord. No. 3546, 3/15/93)

**Section 2.40. Same--Notice to owners.**

Within ninety days after the end of each fiscal year of the Village, the Village Treasurer shall cause a notice to be published once in a newspaper of general circulation in the Village. Such notice shall contain the following information:

(a) The names, in alphabetical order, and the last known address, if any, of each person appearing from Village records to be the owner of any funds presumed to be abandoned pursuant to Section 2-39.

(b) A statement that information may be obtained concerning the amount and nature of such funds by the owners thereof upon inquiry to the Village.

(c) A statement that the owner may recover such funds upon presentation to the Village of proof of claim thereto within sixty days from the date of publication of such notice. (Ord. No. 2424, § 1; Ord. No. 3266, § 32.)

**Section 2.41. Same--Transfer to corporate fund.**

Within one hundred eighty days after the end of the fiscal year all funds presumed abandoned in that year pursuant to Section 2-39 and unclaimed after notice and opportunity to make claim has been given as provided in Section 2-40 shall be transferred by ordinance to the corporate fund of the Village, except for abandoned water deposits which shall be transferred by ordinance to the water fund. (Ord. No. 2424, § 1; Ord. No. 3266, § 32; Ord. No. 3346, § 1.)

**Section 2.41.DIV. Division 2. Financial Planning and Budgeting**

**Section 2.42. Five year financial plan.**

(a) The Village Treasurer, in conjunction with the Village Manager, shall annually prepare, for review by the Village Council, a five year financial plan, including projected expenditures for capital improvements, personnel and Village services.

(b) The Village Council shall review the five year financial plan as recommended by the Village Treasurer and Village Manager, shall hold a hearing thereon upon due notice thereof to the public, and shall thereafter adopt, by motion, a five year financial plan for that fiscal year. (Ord. No. 3266, § 33.)

**Section 2.43. Annual budget.**

(a) An annual budget shall be prepared and reviewed as provided under Illinois law, as now or

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hereafter amended. The Village Manager shall appoint a budget officer, which may be the Village Manager, who shall have all powers and duties established by Sections 5/8-2- 9.1 through 5/8-2-9.11 of Chapter 65 of the Illinois Compiled Statutes, as now or hereafter amended.

(b) The budget officer shall cause the preparation of an annual budget for presentation to the Village Council. The annual budget may include a capital improvement fund and contingency fund as permitted by law.

(c) The Village Council shall review the budget, as recommended by the budget officer and Village Manager, and shall hold hearings, with notice, as provided by law, and shall thereafter adopt, by ordinance, an annual budget for that fiscal year.

(d) Village department heads are authorized to delete, add to, change or create subclasses within object classes budgeted previously to the department, subject to the prior approval of the budget officer and Village Manager. (Ord. No. 3266, § 33; Ord. No. 3505, 3/8/92; Ord. 4000, 1/19/98)

### **Section 2.43.DIV. Division 3. Appropriations**

#### **Section 2.44. Repealed.**

Repealed by Ord. 3505, 09/08/92

(Ord. No. 3266, § 33.)

#### **Section 2.45. Repealed.**

Repealed by Ord. 3505, 09/08/92

(Ord. No. 3266, § 33.)

#### **Section 2.46. Repealed.**

Repealed by Ord. 3505, 09/08/92

(Ord. No. 3266, § 33.)

#### **Section 2.47. Repealed.**

Repealed by Ord. 3505, 09/08/92

(Ord. No. 3266, § 33.)

### **Section 2.47.1.DIV Division 4. Purchases and Contracts**

#### **Section 2.47.1.SEC Scope--General Provisions.**

(a) Scope. The provisions of this division shall apply to purchases of, or contracts for, any materials, professional services, contractual services and public works by persons other than Village employees. This division shall not apply to any work or materials provided by Village employees, included in any intergovernmental agreement, as otherwise provided for in this Code, or as otherwise directed by the

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Council. The provisions of this division may be altered or waived by the Village at any time and shall in no way create or expand any rights in any supplier, bidder, contractor or other person nor shall failure to comply or adhere to these provisions create any liability on the part of the Village, its officers or employees.

(b) The Manager may establish reasonable rules and regulations not inconsistent with the provisions of this division governing the purchasing and contracting practices of the Village. These rules may include procedures for soliciting, processing, awarding and rejecting bids, proposals and quotations as well as change orders procedures.

(c) Separate purchases or contracts shall not be entered into for the purpose of avoiding any cost limits set forth herein.

(d) The Manager, for purchases and contracts up to fifteen thousand dollars, and the Council, for purchases and contracts in excess of fifteen thousand dollars, shall have the authority to reject parts of bids, or all bids for any one or more materials or services included in a proposed contract, or to waive any technical defect in any bid, when the public interest will be served thereby.

(e) The purchase of gasoline products shall not be subject to the requirements of this division, but may be purchased as needed by the Manager based upon the most favorable market price and availability from suppliers.

(f) No purchase or contract for materials, services, or public works shall be made in violation of the state statutes governing pecuniary interest in public contracts nor in violation of any provisions of the Illinois Criminal Code.

(g) No person shall expend money in behalf of or in any way pledge the credit, or obligate, the Village contrary to the provisions of this division.

(h) Nothing herein shall abrogate the emergency powers of the Village Manager. (Ord. No. 3408, § 2. Ord. No. 4331, 11/6/01)

### **Section 2.47.2. Definitions.**

*Bid.* A written offer from a vendor, contractor or supplier of professional or contractual services, to provide materials, services or work at a set price in response to, and under terms as designated in, detailed specifications prepared by or on behalf of the Village as part of an open, competitive process.

*Change order.* A change in a contract term other than as specifically provided for in the contract which authorizes or necessitates any increase in the cost of a contract or the time of completion and which was not reasonably foreseeable at the time the contract was entered into, was not within the contemplation of the original contract or is in the best interests of the Village.

*Contractual Services.* All telephone, gas, water, electric and other utility services; cleaning and maintenance services; insurance; leases of real estate; rental, or repair of equipment, machinery and other Village owned personal property. This term shall not include professional and other contractual services which are in their nature unique and not subject to competition.

*Cost.* The total amount of money to be expended or committed to purchase any item or items or for any particular service or public work contract in any given fiscal year.

*Manager.* The Village Manager or the Village Manager's designee.

*Material.* All supplies, goods, material and equipment except such items as are incidental to any professional service, contractual service or public work.

*Ongoing contractual relationship.* An ongoing association between the Village and an approved supplier of certain contractual or professional services provided on a repeated but a regular basis for which the Council has determined that formal bids, requests for proposals or quotations for each item of work would not be in the best interest of the Village of Downers Grove.

*Professional service.* Any personal service which requires as a condition precedent to the rendering thereof the obtaining of a license from a state agency or from the United States Patent Office or the Internal Revenue Service of the United States Treasury and/or which, in the opinion of the Village Manager, requires a high degree of skill or expertise which are in their nature unique and not subject to competition.

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*Proposal.* A written offer from a vendor, contractor or supplier of professional or contractual services, to provide materials, services or work at a set price or prices in response to a request for proposals by or on behalf of the Village. Proposals shall not be considered part of the competitive bidding process but rather shall be considered offers to contract and may, in the discretion of the Village, be subject to further negotiations, modifications, and rejections until the proposal has been accepted by the Village.

*Public work.* Any construction project including, but not necessarily limited to the construction, erection or installation of buildings, streets, sewers and water mains as well as major maintenance, renovation, addition or repair thereto.

*Quotation.* A verbal or written offer from a vendor, contractor or other supplier of professional or contractual services, to provide materials or services at a set price under terms as designated in the offer.

*Service contracts.* Jointly, contractual service and professional service contracts.

*Sole source contract.* A contract for supplies, materials, service or work which, due to the nature or limited availability of the item or products involved, does not lend itself to competitive bidding or a request for proposal. (Ord. No. 3408, § 2.)

### **Section 2.47.3. Purchase, Service and Public Works Contracts Under Fifteen Thousand Dollars.**

The Manager shall have the authority, up to fifteen thousand dollars, and within the limits of the approved budget, to purchase materials and enter into service and public works contracts on behalf of the Village, as set forth herein. Such purchases and contracts shall be based upon the lowest responsible bid or quotation in the manner designated by the Manager taking into consideration such factors as may be relevant which may include, but is not necessarily limited to, the needs of the Village, past performance by the vendor, the quality of the product involved and the time constraints of the Village. (Ord. No. 3408, § 2; Ord. No. 4331, 11/6/01)

### **Section 2.47.4. Purchase, Service and Public Works Contracts of Fifteen Thousand Dollars or More.**

Except as otherwise provided herein, the Council shall approve all purchases, public works and service contracts with a cost estimated to be in excess of fifteen thousand dollars; either following competitive bidding with the contract being awarded to the lowest responsible bidder; or acceptance of proposals either as originally submitted or as negotiated, following a request for proposals issued by the Village. Where a public works project is anticipated to exceed ten thousand dollars, contracts therefor shall be let to the lowest responsible bidder except as otherwise authorized by a two-thirds vote of all the Council members then holding office. (Ord. No. 3408 § 2, Ord. No. 4331, 11/6/01)

### **Section 2.47.5. Change Orders.**

Except as otherwise set forth in any particular contract the following provisions shall govern change orders. The Manager may approve change orders which, when added to the original cost and any previous change orders, do not cause the total cost of a purchase, service or public work contract to exceed one hundred five percent of the original contract or fifteen thousand dollars, whichever is greater. The Council shall approve all change orders which would cause the total cost of a purchase, service or public works contract to exceed one hundred five percent of the original contract or fifteen thousand dollars, whichever is greater. (Ord. No. 3408, § 2, Ord. No. 4331, 11/6/01)

### **Section 2.47.6. Reserved.**



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### **Section 2.47.7 Sole Source Contracts.**

Notwithstanding any other provision in this Division 4, when it is determined that a particular product, service or work is not subject to competitive bidding due to limitations arising out of the nature of the product, service or work or its availability, the Village may negotiate and enter into contracts for materials, services or public works with a sole source supplier on such terms as the Council may approve. (Ord. No. 3408, § 2.)

### **Section 2.47.7.1ART Article IV. Boards and Commissions**

#### **Section 2.47.7.1DIV Division 1. General**

### **Section 2.48. Rules of the boards and commissions of the Village.**

Each board and commission of the Village may establish rules concerning the procedure, meeting and operation of such board or commission, which rules shall be as nearly as possible consistent with the rules of the Village Council established in Section 2-5 of this Code, and shall also be in accord with the other codes, ordinances and resolution of the Village and applicable law. (Ord. No. 3266, § 34.)

### **Section 2.49. Records to be kept.**

Each board and commission shall keep written records of all its meetings and proceedings, which records shall be open for public inspection during regular business hours at the Village offices. Copies of minutes showing action taken and proceedings had by such boards and commissions shall be filed with the Village Clerk. (Ord. No. 3266, § 34.)

### **Section 2.50. Assistance from members of the Village staff.**

Each board or commission shall be assigned a Village staff member, appointed by the Village Manager, to assist such board or commission. Such staff member shall furnish information and advice respecting such matters as the board or commission may reasonably require in order to fulfill its purposes as set forth in this article, including copies of any relevant ordinances, plans or other data, and in so doing, may obtain information and advice from the Village Manager, Village Attorney, and other officers, departments and agencies of the Village. The Village shall employ a secretary to prepare and keep minutes and records for each board and commission. (Ord. No. 3266, § 34.)

### **Section 2.51. Compensation of members; payment of expenses.**

The members of each board or commission shall serve without compensation. Upon the approval of the Village Manager, any expenses for the operation and conduct of the affairs of each board or commission shall be paid by the Village from such funds as may be provided for such purpose in the annual budget and the annual appropriation ordinance; provided, however, that there shall be no funds set aside for any specific board or commission. (Ord. No. 3266, § 34.)

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**Section 2.52. Conduct of meetings; quorum.**

(a) Each board or commission shall hold its regular meetings, as necessary, at the time scheduled and posted pursuant to the Illinois Open Meetings Act.\* Special meetings may be called on twenty-four hours notice, subject to the requirements of the Illinois Open Meetings Act.

(b) A meeting room shall be made available to each board or commission in the Village hall or in other Village facilities, and all meetings shall be open to the public unless the purpose of such meeting constitutes a valid and lawful exception to the requirement that meetings of public bodies be open to the public pursuant to the terms of the Illinois Open Meetings Act.

(c) A quorum for any meeting shall be a majority of all duly appointed members of a board or commission, unless otherwise specified. (Ord. No. 3266, § 34.)

\* See Ill. Comp. Stat., ch. 5, § 120/1 et seq.

**Section 2.53. Appointment of members to boards and commissions.**

(a) Members of the following boards and commissions shall be appointed by the Village Council as provided herein:

Library Board of Trustees - all members as provided by law.

(b) Members of the following boards and commissions shall be appointed by the Mayor as provided herein:

Police Pension Board - two members, with balance as provided by statute.

Fire Pension Board - two members, with balance as provided by statute.

(c) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Mayor, subject to confirmation by the Village Council:

Architectural Design Review Board

Board of Fire and Police Commissioners

Community Events Commission

Environmental Concerns Commission

Human Service Commission

Liquor Commission

Plan Commission

Stormwater and Flood Plain Oversight Committee

Technology Commission

Transportation and Parking Commission

Zoning Board of Appeals

(d) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Village Manager:

(e) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Village Manager, subject to confirmation by the Village Council:

Building Board of Appeals

(f) Each member of a board or commission, including the chairman, shall hold office until the expiration of the term for which such member was appointed or until such time as a successor has been appointed or qualified, unless prior to such time such member resigns his/her position or is removed from it by the appointing official.

(g) Vacancies on any board or commission shall be filled as soon as possible for the unexpired term of the member whose place has become vacant.

(h) Each member of a board or commission shall be a resident of the Village unless otherwise specifically provided.

(i) Only duly appointed members may vote on any matter before any board or commission.

(j) The Mayor may, in his/her discretion, subject to confirmation by the Village Council, appoint

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for a one (1) year term, a student who will be enrolled in the 11th grade during the majority of his/her term on the following boards and commissions:

- (1) Community Events Commission
- (2) Environmental Concerns Commission
- (3) Human Services Commission
- (4) Transportation and Parking Commission

Each student shall reside within the Village of Downers Grove and shall be a voting member of the board or commission. Any student member appointed pursuant to this section may be in addition to any regularly appointed members of the board or commission as established by Ordinance. (Ord. No. 3266, § 34; Ord. No. 3294, § 1, Ord. No. 3495, 7/27/92; Ord. No. 3541, 2/15/93; Ord. No. 3767, 5/6/96; Ord. No. 3855, 2/23/98; Ord. No. 4009, 9/7/99; Ord. No. 4152, 6/6/00; Ord. No. 4201, 5/21/02; Ord. No. 4518, 6/17/03; Ord. No. 4546, 11/4/03; Ord. No. 4734, 12/20/05; Ord. No. 4780, 5/6/06; Ord. No. 4851, 2/6/07; Ord. No. 4852, 2/20/07; Ord. No. 4881, 7/3/07; Ord. No. 4924, 11/6/07; Ord. No. 4938, 12/18/07; Ord. No. 5083, 11/6/09, Ord. No. 5410, 10/21/14)

### **Section 2.53.1. Removal of boards and commissions members.**

- (a) Members of any board or commission serve at the pleasure of the appointing authority and may be removed as provided in this section.
- (b) Unless otherwise specified, where removal from a board or commission is governed by statute, such statute shall control.
- (c) The Mayor shall have the authority to remove any member of a board or commission where such member is appointed by the Mayor, or appointed jointly by the Mayor and Village Manager.
- (d) The Village Council, by a vote of not less than four (4) members, shall have the authority to remove any member of a board or commission where such member is appointed by the Village Council; appointed by the Mayor with concurrence of the Village Council, or appointed by the Village Manager with the concurrence of the Village Council.
- (e) The Village Manager shall have the authority to remove any member of a board or commission where such member is appointed by the Village Manager. (Ord. No. 4011, 3/9/98; Ord. No. 4582, 4/20/04; Ord. No. 4877, 6/5/07)  
(Ord. 5702, Amended, 06/12/2018)

### **Section 2.53.1DIV Division 2. Plan Commission**

#### **Section 2.54. Created; composition; terms of office.**

A Plan Commission is hereby created for the Village. The Plan Commission shall be organized as follows:

- (a) Nine voting members shall be appointed for staggered terms of three years each.
- (b) Three additional members may be nominated for appointment and confirmation as follows:
  - (1) One such member may be nominated by resolution of the Board of Commissioners of the Downers Grove Park District, and a copy of such a resolution, duly certified by the secretary of such board, shall be filed with the Village Clerk;
  - (2) One such member may be nominated by resolution of the Board of Trustees of the Downers Grove Sanitary District, and a copy of such resolution, duly certified by the Clerk of such board shall be filed with the Village Clerk; and
  - (3) One such member may be nominated by joint action of the Board of School District

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No. 58 and the Board of School District No. 99, and copies of the resolutions of each of such school boards, duly certified by the respective secretaries of such boards, shall be filed with the Village Clerk.

Each member of the Plan Commission appointed and confirmed under the provisions of this paragraph (b) shall not be entitled to vote, shall not be counted in determining whether a quorum of the Plan Commission is present at any meeting and shall not have a designated term in office, but shall serve from time to time until such member has resigned or been removed by resolution of the board or boards which made the nomination of such member, and until his or her successor has been appointed and qualified.

(c) In addition to the appointed members, the mayor shall be an ex officio member of the Plan Commission, but shall not be entitled to vote and shall not be counted in determining whether a quorum of the Plan Commission is present at any meeting. (Ord. No. 118, § 1; Ord. No. 415, § 1; Ord. No. 1015, § 1; Ord. No. 1575, § 1; Ord. No. 2174, §§ 1, 2; Ord. No. 3266, § 34; Ord. No. 4518, 6/17/03)

### **Section 2.55. Powers and duties.**

The Plan Commission shall have the following powers and duties:

(a) To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the Village. The plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of the Village. The plan may include reasonable requirements for the streets, alleys, public grounds, and other improvements hereinafter specified. The plan, as recommended by the Plan Commission may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality. The plan may establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements; may establish reasonable requirements governing the location, width, course, and surfacing of streets and highways, alleys, ways for public utilities and service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and also may designate land suitable for annexation to the Village and the recommended land use for such land upon annexation. The plan shall be advisory except as to such parts thereof as have been implemented by ordinances duly enacted by the Village Council. All requirements for public hearing, filing of notice of adoption with the county recorder of deeds, and the filing of such plan and ordinances with the Village Clerk shall be complied with as provided by law.

(b) To recommend to the Village Council from time to time such changes or specific in the comprehensive plan as the Plan Commission may deem necessary.

(c) To initiate, study and make recommendations regarding matters dealing with the planning of the community.

(d) To exercise such other powers germane to the above powers as may be conferred by the Village Council.

(e) To recommend, subject to consideration and approval by the Village Council, reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements.

(f) To review preliminary and final plans for planned developments pursuant to the requirements of the Zoning Ordinance of the Village and to consider and recommend approval or disapproval of such plans to the Village Council, including any specific conditions of any recommended approval.

(g) To consider and approve certain conveyances of land that do not require a subdivision plat, pursuant to Section 20-600 and Section 20-601 of this Code.

(h) To consider and make recommendations to the Village Council concerning any request for a waiver or variation of any requirement of Section 19-14(b) for construction of public improvements as a condition of obtaining a permit for access across a parkway to Village right-of-way.

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(i) To hear, consider and recommend to the Village Council matters dealing with amendments to the Zoning Ordinance.

(j) To hear, consider and recommend to the Village Council matters dealing with the granting of special uses.

(k) Notwithstanding the provisions of Section 2-59(a) of this Code, to hear and decide on an application for any variation from the terms of the Downers Grove Zoning Ordinance and/or the Downers Grove Subdivision Ordinance, subject to their terms, but only when such application is filed in conjunction with an application as part of a planned development, an amendment to the Zoning Ordinance, or a special use otherwise requiring a public hearing before the Plan Commission.

(l) To designate, subject to consideration and approval of the Village Council, land suitable for annexation to the Village and the recommended zoning classification for such land upon annexation.

(m) Any additional powers granted by the Illinois Municipal Code (65 ILCS 5/11-12-1, et seq.) (Ord. No. 972, § 1; Ord. No. 2641, § 1; Ord. No. 3266, § 34; Ord. No. 4101, 2/8/99; Ord. No. 4518, 6/17/03)

### **Section 2.55.DIV. Division 3. Architectural Design Review Board.**

(Ord. No. 4518, 6/17/03; Ord. No. 4881, 7/3/07)

### **Section 2.56. Created; composition; terms of office.**

An Architectural Design Review Board is hereby created, which commission shall consist of seven members appointed for staggered terms of three (3) years each. Members shall hold office for their designated terms until their successors have been appointed. Two (2) members shall be architects, one (1) member shall be an attorney, one (1) member shall be a representative of the Downers Grove Historical Society and three (3) members shall be citizens from the general public. (Ord. No. 1622, § 2; Ord. No. 3266, § 34; Ord. No. 3855, 2/8/99; Ord. No. 4518, 6/17/03; Ord. No. 4881, 7/3/07)

### **Section 2.57. Powers and Duties.**

The Architectural Design Review Board shall have the following powers and duties:

- a. Administer the historic preservation provisions of this Code;
- b. Perform such additional duties as the Village Council may direct. (Ord. No. 1622, § 2; Ord. No. 2261, § 21; Ord. No. 2641, § 2; Ord. No. 3266, § 34; Ord. No. 3855, 5/6/96; Ord. No. 4518, 6/17/03; Ord. No. 4881, 7/3/07)

### **Section 2.57.DIV. Division 4. Zoning Board of Appeals**

### **Section 2.58. Created; composition; terms of office.**

A Zoning Board of Appeals is hereby created for the Village, which board shall consist of seven members appointed for staggered terms of three years each. (Ord. No. 2641, § 3; Ord. No. 3266, § 34; Ord. No. 4518, 6/17/03)

### **Section 2.59. Powers and duties.**

The Zoning Board of Appeals shall have the following powers and duties:

- (a) Except as provided in Section 2-55(i) of this Code, to hear and decide on applications for any

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variation from the terms of the Downers Grove Zoning Ordinance subject to its provisions.

(b) To hear and decide appeals from and to make modifications to any order, requirement, decision, or determination made by the Director responsible for the enforcement of the Zoning Ordinance.

(c) To hear and decide on all matters referred to it or upon which it is required to pass under the Downers Grove Zoning Ordinance.

(d) To exercise such other powers germane to the above powers as may be conferred by the Village Council. (Ord. No. 2641, § 3; Ord. No. 3266, § 34; Ord. No. 4518, 6/17/03)

### **Section 2.60. Conduct of meetings; extraordinary vote for certain actions.**

(a) Every person appearing before the Zoning Board of Appeals has a right to be heard before the Zoning Board of Appeals or to be represented by a duly authorized agent or attorney. All testimony of witnesses at any hearing provided for in the Downers Grove Zoning Ordinance shall be given under oath. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(b) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the zoning enforcement officer or to decide in favor of the applicant on any matter on which the board is authorized by the Downers Grove Zoning Ordinance to render a decision. (Ord. No. 2641, § 3; Ord. No. 3266, § 34; Ord. No. 4852, 2/20/07)

### **Section 2.60.DIV. Division 5. Transportation and Parking Commission**

(Ord. 4938, Amended, 12/18/2007)

### **Section 2.61. Created.**

a) The Transportation and Parking Commission is hereby created for the Village, which commission shall consist of seven members appointed for staggered terms of three years each. The initial terms shall be as follows: two members shall be appointed for one year terms, two members shall be appointed for two year terms, and three members shall be appointed for three year terms. Members shall be appointed by the Mayor, including the designation of chairperson, subject to confirmation by the Council. Members shall hold office for their designated terms and until their successors have been appointed.

b) The Transportation and Parking Commission shall establish a schedule of regular meetings which shall occur not less than once a month. In addition, special meetings may be called by the chairperson and as otherwise provided by the rules of the Commission. Notice of all meetings shall be as mandated in the Illinois Open Meetings Act. A majority of the total members appointed and serving shall constitute a quorum. (Ord. No. 517, § 1; Ord. No. 1514, § 1; Ord. No. 2641, § 4; Ord. No. 3266, § 34; Ord. No. 3855, 5/6/96; Ord. No. 4938, 12/18/07)

### **Section 2.62. Powers and Duties/Procedures.**

(1) Powers and Duties.

The Transportation and Parking Commission shall have and exercise the following powers and duties:

a. To receive, investigate, evaluate and report to the Council on requests made by the Village Council, by the Village Manager or through a completed petition respecting transportation activities on public property. These transportation activities will encompass the following:

- i. Transportation of people and materials
- ii. Parking

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- iii. Traffic, including control, daily trends and abatement
  - iv. Commuter bus system
  - v. Pedestrians and non-motor vehicle traveling persons
  - vi. Traffic signage
- b. To conduct public meetings on proposed policies and plans when considered necessary by the commission, Village Council or as required by ordinance, State or federal law or regulation.
- c. To conduct public meetings respecting any such request; and to submit written findings and recommendations to the Village Council, setting forth its conclusions and recommendations respecting such matters or recommending alternatives thereto.
- d. To conduct such other meetings as it may deem necessary or appropriate, and to investigate such other inquiries, studies or other matters as the Village Council or Village Manager may from time to time refer to the commission.

### (2) Procedures.

- a. Except as otherwise specifically provided herein, petitions under the Transportation and Parking Commission shall be filed with the Director of Public Works. Each petition shall be fully completed, including the following information required for each petition:
- 1. Street and/or intersection of issue or concern.
  - 2. Issue or concern, from the choice of the following, and a description of the issue or concern and a desired solution:
    - i. Parking
    - ii. Speeding
    - iii. Intersection control
    - iv. Other
  - 3. Five (5) signatures of neighboring residents along with printed name and address. Only one (1) signature may be submitted per residence.
  - 4. Name and contact information of one resident who will function as the contact person with the Public Works Department.
- b. A petition may be initiated by a Downers Grove resident or business owner. The petition shall be filed with the Director of Public Works. The petition shall be transmitted by the Director of Public Works to the Transportation and Parking Commission, along with the staff's analysis and recommendations, if any.
- c. The Director of Public Works shall communicate to the petition's contact person upon receipt of the petition.
- d. Within ninety (90) days of receipt of a complete petition by the Director of Public Works, the Transportation and Parking Commission shall commence a public meeting and provide written notice to petitioner(s) fifteen (15) days prior to the meeting. Within forty-five (45) days after conclusion of the public meeting, the Transportation and Parking Commission shall transmit to the Village Council its recommendations regarding such petition. The Transportation and Parking Commission may recommend approval or denial of all or any portion of the petition, including any modifications hereto, and may condition such recommendation on restrictions and requirements the Transportation and Parking Commission determines appropriate or necessary to protect the public health, safety and welfare, and/or ensure that the petition, as approved, will conform to the provisions of this Municipal Code.
- e. Within ninety (90) days of receipt of the findings and recommendations of the Transportation and Parking Commission, the Village Council shall consider the Commission recommendations.

(Ord. No. 517, § 2; Ord. No. 1514, § 1; Ord. No. 2126, § 2; Ord. No. 2641, § 4; Ord. No. 3266, § 34; Ord. No. 4985, 6/17/08)

### **Section 2.62.1.DIV. Division 6. Human Service Commission**

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### **Section 2.63. Created; composition; terms of office.**

A Human Service Commission is hereby created, which commission shall consist of seven members appointed for staggered terms of three years each, and an ex-officio member who shall be a representative of a Downers Grove unit of local government. Said ex-officio member shall be a non-voting member and shall serve a three year term. (Ord. No. 2058, § 3; Ord. No. 2641, § 5; Ord. No. 2688, § 1; Ord. No. 3266, § 34; Ord. No. 4896, 8/7/07)

### **Section 2.64. Powers and duties.**

The Human Service Commission shall have the following powers and duties:

(a) To review and evaluate matters of social concern in the Village, including issues related to youth, senior citizens, families, minorities and other social groups.

(b) To consider such matters of social concern as may be referred to them by the Village Council and to recommend the adoption of policies or ordinances or the taking of other actions in the best interest of the Village as a whole.

(c) To consider the benefits to individuals and the public of proposed policies and actions and to consider the public and private costs and sources of revenue to support such policies and actions.

(d) To hear and investigate any matter referred to it by a court pursuant to the procedures set forth in Section 13A-24 and 13A-25 of the Fair Housing Article, Chapter 13A. (Ord. No. 2058, § 3; Ord. No. 2641, § 5; Ord. No. 2688, § 1; Ord. No. 3266, § 34; Ord. No. 3495, 7/27/92)

### **Section 2.64.DIV. Division 7. Reserved.**

(Ord. No. 4398, 12/18/07)

### **Section 2.65. Reserved.**

(Ord. No. 1766, § 1; Ord. No. 2293, § 1; Ord. No. 2641, § 6; Ord. No. 3266, § 34, Ord. No. 4938, 12/18/07)

### **Section 2.66. Reserved.**

(Ord. No. 1766, § 1; Ord. No. 2641, § 6; Ord. No. 3266, § 34, Ord. No. 3972, 9/15/97; Ord. No. 4938, 12/18/07)

### **Section 2.66.DIV. Division 8. Reserved.**

(Ord. No. 4546, 11/4/03; Ord. No. 4591, 6/1/04; Ord. No. 4938, 12/18/07)

### **Section 2.67. Reserved.**

(Ord. No. 1834, § 2; Ord. No. 2641, § 8; Ord. No. 3266, § 34; Ord. No. 4517, 6/17/03; Ord. No. 4546, 11/4/03; Ord. No. 4591, 6/1/04; Ord. No. 4938, 12/18/07)

### **Section 2.68. Reserved.**

(Ord. No. 1834, § 2; Ord. No. 2434, § 4; Ord. No. 2502, § 2; Ord. No. 2641, § 8; Ord. No. 2900, § 4; Ord.



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No. 3266, § 34; Ord. No. 4546, 11/4/03; Ord. No. 4591, 6/1/04; Ord. No. 4938, 12/18/07)

### **Section 2.68.DIV. Division 9. Board of Fire and Police Commissioners**

(Ord. No. 3704, 12/5/94)

(Ord. 5702, Amended, 06/12/2018)

#### **Section 2.69. Created; composition; terms of office.**

(a) There shall be hereby established a Board of Fire and Police Commissioners, which shall consist of three (3) members appointed for staggered terms of three (3) years each. The personnel, duties, tenure of office, powers, and qualifications shall be such as are established by ordinance or State law.

(b) A secretary for the Board shall be selected by the Board from among its members, and shall hold office as secretary until expiration of the member's term.

(c) Members of the Board shall be appointed by the Mayor, subject to confirmation by the Village Council. Provided, no appointment to the Board shall be made by the Mayor within thirty (30) days before expiration of the Mayor's term of office.

(d) Qualifications for membership on the Board shall be as provided by ordinance or State law. No person holding a lucrative office under the United States, the State of Illinois or any political subdivision thereof shall be eligible to be a member of the board. No person shall be appointed a member of the board who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the Village.

(e) Members of the board shall be subject to removal in accordance with Section 2.53.1 of the Downers Grove Municipal Code.(Ord. No. 2036, § 2; Ord. No. 2641, § 9; Ord. No. 2737, § 1; Ord. No. 3266, § 34; Ord. No. 3704, 12/5/94)

(Ord. 5702, Amended, 06/12/2018)

#### **Section 2.70. Governing Law.**

The Board of Fire and Police Commissioners of the Village of Downers Grove derives its power and authority from the Board of Fire and Police Commissioners Act of the Illinois Municipal Code, Chapter 65 Illinois Compiled Statutes, Section 5/10-2.1-1 et seq. and from the home rule powers of the Village of Downers Grove, as provided in Article VII, Section 6 and 10(a) of the Constitution of the State of Illinois of 1970. Should a conflict exist between State statute and any Village ordinance, pursuant to home rule powers of the Village, the ordinance shall take precedent and prevail over the statutory provision, unless specifically preempted by State statute. (Ord. No. 3704, 12/5/94)

(Ord. 5702, Amended, 06/12/2018)

#### **Section 2.71. Conduct of meetings.**

(a) The Board shall meet on the call of the chairman or of any two members, subject to the notice requirements of the Open Meetings Act.

(b) The office of the Board shall be the office of the Village Clerk and any document filed in the office of the Village Clerk, addressed to the Board or any member thereof, shall be deemed filed with the Board. (Ord. No. 2036, § 2; Ord. No. 2641, § 9; Ord. No. 3266, § 34; Ord. No. 3704, 12/5/94)

#### **Section 2.72. Powers and duties.**

(a) The powers and duties of the Board shall be as follows:

(1) To conduct examinations for and appoint all firefighters and police officers in the Village's Fire

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and Police Departments, except the Fire Chief, the Chief of Police, the deputy or assistant chiefs of each department, battalion chiefs, division chiefs, auxiliary police officers, and civilian employees of the respective departments. The Village Manager shall have full authority to appoint and remove the Fire Chief and Chief of Police. Subject to the approval of the Village Manager, the Fire Chief and Police Chief shall have full authority to appoint and remove their deputy or assistant chiefs, battalion chiefs, division chiefs, auxiliary police officers and civilian employees.

(2) To conduct examinations and certify candidates for promotion in the Village's fire and police departments.

(3) To conduct hearings and impose discipline, including demotions.

(4) To adopt, enforce, administer and amend the Rules and Regulations of the Board of Fire and Police Commissioners not inconsistent with this ordinance. Notice of amendments to the Rules and Regulations shall be published on the Village's website and in accordance with the Open Meetings Act. Amendments shall go into effect ten (10) days subsequent to adoption

(5) To take such other action as the Village Council may from time to time expressly authorize or direct.

(b) The Board shall not have the power or authority to make any rule to govern the operation of the police or fire department or the conduct of its members. (Ord. No. 2036, § 2; Ord. No. 2641, § 9; Ord. No. 2849, § 2; Ord. No. 3266, § 34; Ord. No. 3704, 12/5/94; Ord. No. 4000, 1/19/98)

(Ord. 5702, Amended, 06/12/2018)

### **Section 2.73. Transition.**

Any decision, appointment, promotion or other action taken by the Board prior to the effective date of this Ordinance shall be valid and effective to the same extent as if, and as though, made under the provisions of this Ordinance and State law. (Ord. No. 2036, § 2; Ord. No. 2641, § 9; Ord. No. 3266, § 34, Ord. No. 3704, 12/5/94)

(Ord. 5702, Amended, 06/12/2018)

### **Section 2.73.DIV. Division 10. Foreign Fire Insurance Tax Board.**

(Ord. No 4181, 2/15/00)

### **Section 2.74. Created; composition; terms of office.**

The Village of Downers Grove Foreign Fire Insurance Tax Board (hereinafter the Board) is hereby created to consist of four (4) members.

The Board shall consist of four (4) members which shall include one member from each fire station within the department elected by the members assigned to such fire station. Each member shall serve their term of office until their term expires, regardless of whether he/she is reassigned to another fire station during his/her term. A President, Vice President, Treasurer and Secretary shall be appointed from among the Board's members.

In addition to the members as provided above, the Fire Chief of Downers Grove shall be an ex-officio member of the Board. As an ex-officio member, the Fire Chief shall not have any voting privileges, except in the case of a tie vote. The Fire Chief shall have the right to participate in all open or close session discussions regarding the management of foreign fire insurance tax funds, preparation of annual budgets, or any other matter within the scope of the powers and duties of the Board. As an ex-officio member the Fire Chief shall be entitled to receive notice of any regular or special meeting in the same manner as voting Board members.

The term "employee" as used in this ordinance shall mean any full-time, sworn firefighter, paid-on-call firefighter, or officer of the Downers Grove Fire Department, including the Fire Chief and all

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promoted positions. No probationary employee of the Department may hold an office during the period of his/her probation.

In order to maintain a smooth transition of Board leadership, the terms of office will be staggered. Board members shall be elected for two (2) year terms; however, two members of the first elected Board shall only serve one year terms. This determination will be made randomly at the first regular meeting of the Board. Thereafter, all Board members shall serve a two year term of office and shall be limited to a maximum of two consecutive terms. Successor Boards shall be elected in March. The Board member's terms shall expire on April 30<sup>th</sup>, and newly elected members shall be sworn in on May 1<sup>st</sup>. The first election shall be held within sixty (60) days after the execution of this Ordinance.

All officers shall hold office pursuant to guidelines and procedures established by the Village. The Board shall adopt all necessary rules and regulations governing the nomination and election of such officers for subsequent elections. (Ord. No. 2434, § 5; Ord. No. 2641, § 10; Ord. No. 2634, § 2; Ord. No. 3266, § 34; Ord. No. 3855, 5/6/96; Ord. No. 4181, 2/15/00; Ord. No. 4852, 2/20/07)

### **Section 2.75. Powers and Duties**

A Village of Downers Grove Fire Department Foreign Fire Insurance Tax Fund is hereby created and all revenue received by the Village of Downers Grove from the Foreign Fire Insurance Tax shall be deposited in the Fund and shall be held and expended according to the following procedures:

1. The Village Finance Director shall provide the Treasurer of the Board a monthly accounting of receipts and expenditures of the Fund.
2. By December 31<sup>st</sup> of each year, the Board's officers shall approve a preliminary budget for the expenditure of the funds received pursuant to the Foreign Fire Insurance Tax.
3. The Board's officers shall, no later than April 1<sup>st</sup>, of every year, adopt a final budget for the collection and expenditure of the Foreign Fire Insurance Tax, to be approved by ordinance passed by the Mayor and Village Council. The final budget may be amended at any time by a majority vote of the officers of the Board with concurrence of the Mayor and Village Council consistent with established practice.
4. The Board shall approve all expenditure of monies from the Fund for the maintenance, use and benefit of the Department. Any expenditure shall be made in accordance with the provisions of the Village Council Purchasing Procedures, as adopted and amended from time to time, provided, however, that the Council's approval shall not be withheld if the expenditure is for the maintenance, use and benefit of the Department.
5. Any expenditure made from the Fund shall be made in accordance with the Village of Downers Grove's ordinances, rules, regulations, and practices governing the procurement of goods and services, as amended from time to time.
6. The Board's Treasurer shall provide a bond to the Village in an amount equal to three (3) times the average amount of Foreign Fire Insurance Tax revenue received by the Village to ensure the faithful performance of the duties imposed by law and the Board on the Treasurer. Fees for the Treasurer's bond shall be paid from the funds collected from the Foreign Fire Insurance Tax.
7. To the extent allowed by law, the Board's Treasurer shall be responsible for paying the service charge levied by the Illinois Municipal League for the collection of the Foreign Fire Insurance Tax from the proceeds of that tax, provided that the service charge has not already been retained by the Illinois Municipal League prior to disbursement of the tax.
8. The Board shall, in accordance with the Open Meetings Act, establish a regular time and place for its

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meetings. The President shall preside at the meetings. The Secretary shall keep a record of all resolutions, minutes, proceedings and actions by the Board.

9. Three (3) members of the Board shall constitute a quorum for the transaction of its business. The affirmative vote of three (3) members of the Board shall be required to take action on business before it. Special meetings, with appropriate notice, may be called by the President or by no less than three (3) members of the Board. Any person shall be entitled to appear and be heard on any matter before the Board.

10. The Board may promulgate written rules and regulations governing Board matters so long as such rules and regulations do not conflict any applicable law or Village ordinance. All rules and regulations promulgated by the Board shall be approved by a majority of the Mayor and Village Council by ordinance. All rules and regulations approved by ordinance shall be posted in each fire station and shall be available for public inspection in the office of the Village Clerk before they are effective. The Board's Secretary shall maintain a record of all Board rules and regulations which shall be available for public inspection.

11. At no time shall the actions of the Board or its officers interfere with the rights of the Fire Chief, the composition of the Downers Grove Fire Department, the Downers Grove Board of Fire and Police Commissioners, or in any way impede the ordinary operation of the Downers Grove Fire Department. (Ord. No. 2434, § 5; Ord. No. 2641, § 10; Ord. No. 3266, § 34.)

### **Section 2.75.DIV. Division 11. Community Events Commission**

(Ord. No. 4294, 5/15/01; Ord. No. 4851, 2/6/07)

#### **Section 2.76. Created.**

(a) The Downers Grove Community Events Commission is created to make recommendations to the Village Council regarding the use of public property for community events by reviewing special event temporary use applications.

(b) The Community Events Commission shall consist of seven (7) members. The members, including the designation of the chairperson, shall be appointed by the Mayor, subject to confirmation by the Village Council. Members shall be appointed for staggered terms of three (3) years each, ending on August 31st of each year. Members shall hold office for their designated terms and until their successors have been appointed. Each member shall either reside within the corporate limits of the Village; or be an employee, officer, manager or owner of a business which has one or more business locations within the corporate limits of the Village. In addition to the above mentioned members, the Manager of the Downtown Management Corporation or his/her designee and the President of the Economic Development Corporation or his/her designee shall serve on the Commission as non-voting, ex-officio members.

(c) The Community Events Commission shall establish a schedule of regular meetings. In addition, special meetings may be called by the chairperson and as otherwise provided by the rules of the Commission. Notice of all meetings shall be provided as mandated in the Illinois Open Meetings Act. (Ord. No. 2686, § 2; Ord. No. 2805, § 1; Ord. No. 3111, § 2; Ord. No. 3118, § 1; Ord. No. 3266, § 34.) (Ord. 5570, Amended, 11/22/2016)

#### **Section 2.77. Powers and duties.**

The Community Events Commission shall have the following powers and duties:

(a) To make recommendations to the Village Council regarding issues that will affect public

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community events that involve the use of public property and/or services in Downers Grove.

(b) To review and evaluate new and existing events and requests for other events that utilize public property and/or public services and make recommendations to the Village Council concerning their value as a community event.

(c) To review various documents that pertain to the planning of or which govern the operation of a specific event.

(d) To coordinate, supervise, publicize and encourage the widest possible participation in any community wide celebration that the Village Council may decide to support.

(e) To evaluate any community event and to provide the Council with an evaluation and/or recommendation.

(f) To establish reasonable rules and regulations governing the functions of the Community Events Commission, consistent with the powers and duties set forth herein.

(g) To perform such functions and activities in addition to the foregoing as the Village Council may from time to time direct. (Ord. No. 2686, § 2; Ord. No. 3266, § 34.)  
(Ord. 5570, Amended, 11/22/2016)

### **Section 2.79.DIV. Division 12. Reserved.**

(Ord. No. 4734, 12/20/05; Ord. No. 4533, 9/16/03; Ord. No. 4000, 1/19/98; Ord. No. 3720, 2/20/95)

### **Section 2.80. Reserved.**

(Ord. No. 3664, 8/15/94; Ord. No. 3690, 10/31/94; Ord. No. 3720, 8/7/95; Ord. No. 3855, 5/6/96; Ord. No. 4000, 1/19/98; Ord. No. 4010, 3/9/98; Ord. 4411, 5/21/02; Ord. 4591, 6/1/04; Ord. 4734, 12/20/05)

### **Section 2.81. Reserved.**

(Ord. No. 3664, 8/15/94; Ord. No. 3720, 2/20/95, Ord. No. 4000, 1/19/98; Ord. No. 4734, 12/20/05)

### **Section 2.81.1.DIV. Division 13. Technology Commission**

(Ord No. 4201, 6/6/00; Ord. No. 4533, 9/16/03)

#### **Section 2.81.1.SEC. Created.**

(a) The Downers Grove Technology Commission is hereby created, which Commission shall consist of seven members appointed for staggered terms of four years each. The members, including the designation of chairperson, shall be appointed by the Mayor, subject to confirmation by the Village Council. Members shall hold office for their designated terms and until their successors have been appointed.

(b) The Technology Commission shall establish a schedule of regular meetings which shall occur not less than once a month. In addition, special meetings may be called by the chairperson and as otherwise provided by the rules of the Commission. Notice of all meetings shall be provided as mandated in the Illinois Open Meetings Act. (Ord. No. 4201, 6/6/00; Ord. No. 4517, 6/17/03)

#### **Section 2.81.2. Powers and Duties.**

The Commission shall generally be charged with evaluating, advising and providing recommendations to the Village Council regarding options and alternatives for the purchase, upgrade, configuration and use of technological facilities, including computers, telecommunications and the internet.

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This will include developing, and updating as needed, a long term strategic plan for such technological facilities. The Commission is to evaluate current and anticipated future technological needs and resources, and provide guidance regarding the most responsible use of technology within the mission and limitation of the Village Government. The Commission shall also perform such functions and activities in addition to the foregoing as the Village Council may from time to time direct. (Ord. No. 4201, 6/6/00)

### **Section 2.82.DIV      Division 14. Environmental Concerns Commission**

(Ord. No. 4546, 11/4/03)

#### **Section 2.83. Created, composition, terms of office**

- a) The Downers Grove Environmental Concerns Commission is hereby created, which Commission shall consist of seven members appointed for staggered terms of three years each. The initial terms shall be as follows: two members shall be appointed for one year terms, two members shall be appointed for two year terms, and three members shall be appointed for three year terms. Members shall be appointed by the Mayor, including the designation of chairperson, subject to confirmation by the Council. Members shall hold office for their designated terms and until their successors have been appointed.
- b) The Environmental Concerns Commission shall establish a schedule of regular meetings which shall occur not less than once a month. In addition, special meetings may be called by the chairperson and as otherwise provided by the rules of the Commission. Notice of all meetings shall be as mandated in the Illinois Open Meetings Act. A majority of the total members appointed and serving shall constitute a quorum. (Ord. No. 4546, 11/4/03)

#### **Section 2.84. Powers and duties.**

The Environmental Concerns Commission shall have and exercise the following duties:

- a) To develop, prepare and review plans for the prevention, abatement, or control of environmental pollution, including but not limited to: air, water, land, and noise as directed by the Council and Village Manager.
- b) To develop, prepare and review plans encouraging the conservation of energy, materials, and natural resources by private citizens and public agencies in the Village as directed by the Council and Village Manager.
- c) To promote and encourage close cooperation between the Village and private citizens and public agencies interested in conducting natural resource, conservation, and/or environmental activities so that all such activities may be promoted and coordinated in a manner to secure the greatest benefit to the public welfare.
- d) To recommend the adoption of policies or ordinances and amendments or additions to existing ordinances that would encourage conservation of materials, energy and/or natural resources and aid in environmental control.
- e) To promulgate and effect a program of publicity and educational programs relating to environmental pollution and energy/material conservation.
- f) To investigate and review environmental and conservation programs and services available to residents of the Village from various State and local agencies, public and private, and to establish a method of communicating this information to the public.
- g) To seek, through education and dissemination of information, to achieve voluntary compliance with the policies and objectives of Article IV of Chapter 13 of this Code, from all persons in the Village whose activities may have a material impact on environmental pollution

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- h) At the direction of the Council or Village Manager, to conduct studies, investigations and research into matters affecting environmental quality control and energy management.
- i) To take such other action as the Council may from time to time expressly authorize or direct.  
(Ord. No. 4546, 11/4/03)

### **Section 2.84.DIV. Division 15. Repealed.**

(Ord. No. 4294, 5/15/01; Ord. No. 4533, 9/16/03; Ord. No. 4546, 11/4/03; Ord. No. 5410, 10/21/14)

### **Section 2.85. Repealed.**

(Ord. No. 4294, 5/15/01; Ord. No. 4994, 8/19/08; Ord. No. 5410, 10/21/14)

### **Section 2.86. Repealed.**

(Ord. No. 4294, 5/15/01; Ord. No. 4630, 12/21/05; Ord. 5104, 12/15/09; Ord. No. 5410, 10/21/14)

### **Section 2.87. Repealed.**

(Ord. No. 4294, 5/15/01; Ord. No. 4517, 6/17/03; Ord. No. 4591, 6/1/04; Ord. No. 5410, 10/21/14)

### **Section 2.88. Repealed.**

(Ord. No. 4294, 5/15/01; Ord. 5410, 10/21/14)

### **Section 2.89.ART. Combined Waterworks and Sewerage System**

(Ord. No. 4201, 6/6/00; Ord. No. 4533, 9/16/03)

### **Section 2.90. Findings of Village Council.**

It is hereby found, determined and declared necessary and for the best interests of this Village that the waterworks system of the Village and the sanitary sewerage system of the Village be combined into and operated as a single utility, as the combined waterworks and sewerage system of the Village. (Ord. No. 1254, § 1; Ord. No. 1766, § 2; Ord. No. 2641, § 7; Ord. No. 2686, § 1; Ord. No. 3266, § 35; Ord. No. 4000, 1/19/98; Ord. No. 4533, 9/16/03)

### **Section 2.91. Water and sewerage systems combined; setting of rates.**

The Village waterworks system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made, and the Village sanitary sewerage system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made, in and for the Village, are hereby declared to be a combined system, and such combined waterworks and sewerage system shall be maintained and operated as a single utility. Charges or rates shall be established for the use of such combined system, which shall be reasonable and commensurate with the service performed by the combined system, and shall be sufficient to maintain and operate the combined system, provide an adequate depreciation amount and pay the principal and interest on any revenue bonds which may be issued, which by their terms are made payable from the revenues of such combined system. (Ord. No. 1254, § 2; Ord. No.

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1766, § 2; Ord. No. 2641, § 7; Ord. No. 2686, § 1; Ord. No. 3266, § 35; Ord. No. 4000, 1/19/98; Ord. No. 4533, 9/16/03)

### **Section 2.92. Name of combined system; assets and liabilities of water system deemed assets and liabilities of combined system.**

The combined waterworks and sanitary sewerage system shall be known and designated as the "Combined Waterworks and Sewerage System of the Village of Downers Grove", and all improvements and extensions to such waterworks and sewerage system shall be considered as improvements and extensions to the combined system. All the properties, assets, obligations and liabilities, of all kinds of the waterworks system presently existing and outstanding, or accruing or to accrue hereafter, shall be held, used, confessed and acknowledged as the properties, assets, obligations and liabilities of the combined utility. (Ord. No. 1254, § 3; Ord. No. 1766, § 2; Ord. No. 2641, § 7; Ord. No. 2686, § 1; Ord. No. 3266, § 35; Ord. No. 4000, 1/19/98; Ord. No. 4533, 9/16/03)