

COUNCIL WORKSHOP ITEM

ITEM: EDC Non Voting Membership on Land Use Commissions
DATE: July 10, 2001
PREPARED BY: Daniel P. Blondin, Village Attorney
PURPOSE: Transmit and recommend adoption of attached ordinance providing for placement of Economic Development Commission as non-voting members of the Zoning Commission, the Plan Commission and the Zoning Board of Appeals

DISCUSSION:

Attached to this memorandum is a draft ordinance that will provide for inclusion of an EDC member as a non-voting member of the Zoning Commission, the Plan Commission and the Zoning Board of Appeals. The EDC non-voting member would serve an indefinite term and would not affect the quorum requirements of each body.

As is often the case in reviewing various Code sections, a number of ambiguities and inconsistencies were noted which, while not directly affecting the EDC membership issue could be addressed at this time.

First, the existing ordinance provides that there will be 3 non-voting members of the ZBA who are to be “nominated for appointment and confirmation”. Although the existing ordinance then goes into detail regarding how the Park, Sanitary and School Boards may nominate these non-voting members, there is no provision regarding how these are to be “appointed and confirmed”. Past practice has been to treat the “nomination” as the appointment and the ordinance has been amended to reflect this practice. An alternative would be for the Council to actually confirm each appointment, but this would require Council action. As a safeguard, the ordinance makes clear that the Council can remove any member, including the non-voting members.

Second, the existing ordinance provides that one member of the ZBA and one member of the Plan Commission are to be appointed as voting members of the Zoning Commission. This draft clarifies that the terms of the Zoning Commission members who also serve on the ZBA and the Plan Commission automatically terminate in the event such member is no longer serving on that other board.

ATTACHMENT:

Draft Ordinance

RECOMMENDATION:

Approve draft Ordinance as presented or direct modifications.

Division 2.

Plan Commission

2-54. Created; composition; terms of office.

A Plan Commission is hereby created for the Village, which 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:~~

~~Four non-voting members may also be appointed to the Plan Commission as provided herein. Except where appointment is by the Village Council, a certified copy of the appointing resolution shall be filed with the Village Clerk. The non-voting members of the plan commission under the provisions of this paragraph 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 an indefinite term until such member is no longer qualified, has resigned or been removed by the Council, or the board or boards which made the appointment of such member, or until a successor has been appointed.~~

~~(b)1. (1) One such member may be nominated by resolution of the 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;~~

~~District may appoint one non-voting member.~~

~~2. (2) One such member may be nominated by resolution of the 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; District may appoint one non-voting member.~~

~~(3) One such member may be nominated by joint action of the The Board of School District No. 58 and the boardBoard 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 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 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.)~~

Division 3.

Zoning Commission.

2-56. Created; composition; terms of office.

~~(a) A zoning commission is hereby created for the village, which commission shall be organized as follows:~~

~~Seven members shall be appointed for staggered terms of four years each.~~

~~(b) One member of the zoning commission, appointed pursuant to paragraph (a) hereof, shall be a member of the zoning board of appeals and one member shall be a member of the plan commission. (Ord. No. 1622, § 2; Ord. No. 3266, § 34.)~~

Division 4.

Zoning Board of Appeals

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 five years each. (Ord. No. 2641, § 3; Ord. No. 3266, § 34.)~~

~~(b) 3. 99 may jointly appoint one non-voting member.~~

~~4. The Village Council may appoint one non-voting member from the members of the Downers Grove Economic Development Commission.~~

~~(c) The mayor shall be a non-voting ex officio member of the plan commission, but 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.)~~

Division 3.

Zoning Commission.

2-56. Created; composition; terms of office.

~~A zoning commission is hereby created for the village, which commission shall be organized as follows:~~

~~(a) Seven voting members shall be appointed for staggered terms of four years each. Provided, one of the voting member shall be appointed from the members of the Zoning Board of Appeals and one of the voting member shall be appointed from the members of the Plan Commission. Provided further, such persons shall be deemed to have resigned the Zoning Commission in the event they are no longer members of the Zoning Board of Appeals or the Plan Commission.~~

~~(b) The Village Council may appoint one non-voting member from the members of the Downers Grove Economic Development Commission. Provided, this non-voting member shall not be counted in determining whether a quorum of the Zoning Commission is present at any meeting and shall serve an indefinite term until such person is no longer qualified, resigns, is removed by the Council, or until a successor is appointed. (Ord. No. 1622, § 2; Ord. No. 3266, § 34.)~~

Division 4.

Zoning Board of Appeals

2-58. Created; composition; terms of office.

~~A Zoning Board of Appeals is hereby created, which commission shall be organized as follows:~~

- (a) Seven voting members appointed for staggered terms of five years each.
- (b) The Village Council may appoint one non-voting member from the members of the Downers Grove Economic Development Commission. Provided, this non-voting member shall not be counted in determining whether a quorum of the Zoning Board of Appeals is present at any meeting and shall serve an indefinite term until such person is no longer qualified, resigns, is removed by the Council, or until a successor is appointed. (Ord. No. 2641, § 3; Ord. No. 3266, § 34.)

