

**BOARDS
AND
COMMISSIONS
MANUAL**

FEBRUARY 2014

CITY OF ST. CHARLES



ILLINOIS

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INTRODUCTION

The City of St. Charles relies on the active participation of residents volunteering their time and effort to sustain the quality of the community. Board and commission members exemplify this spirit of volunteerism by lending their talents to benefit the City. Appointment to a board or commission in St. Charles is an honor that brings both responsibility and opportunity. This manual has been designed to provide information on the organization of the City of St. Charles and the role served by board and commission members.

Boards and commissions are established by ordinance in the City Code, which sets forth the composition and duties of each body. The Mayor recommends qualified candidates to fill vacancies, and the City Council votes to approve appointments. Board and commission member duties include reviewing items and issues at the request of the City Council or of interest to the public body. Board and commission members provide recommendations that assist the City Council in making decisions, and also serve as ambassadors to the community, informing and educating the public regarding the purposes of the board/commission, activities of the City, and the like.

The following materials provide general information on the City organization and its various boards and commissions, including procedures and laws that apply to their activities. Please contact the City at 630-377-4400 to speak with your board or commission staff liaison regarding the role of board and commission members.

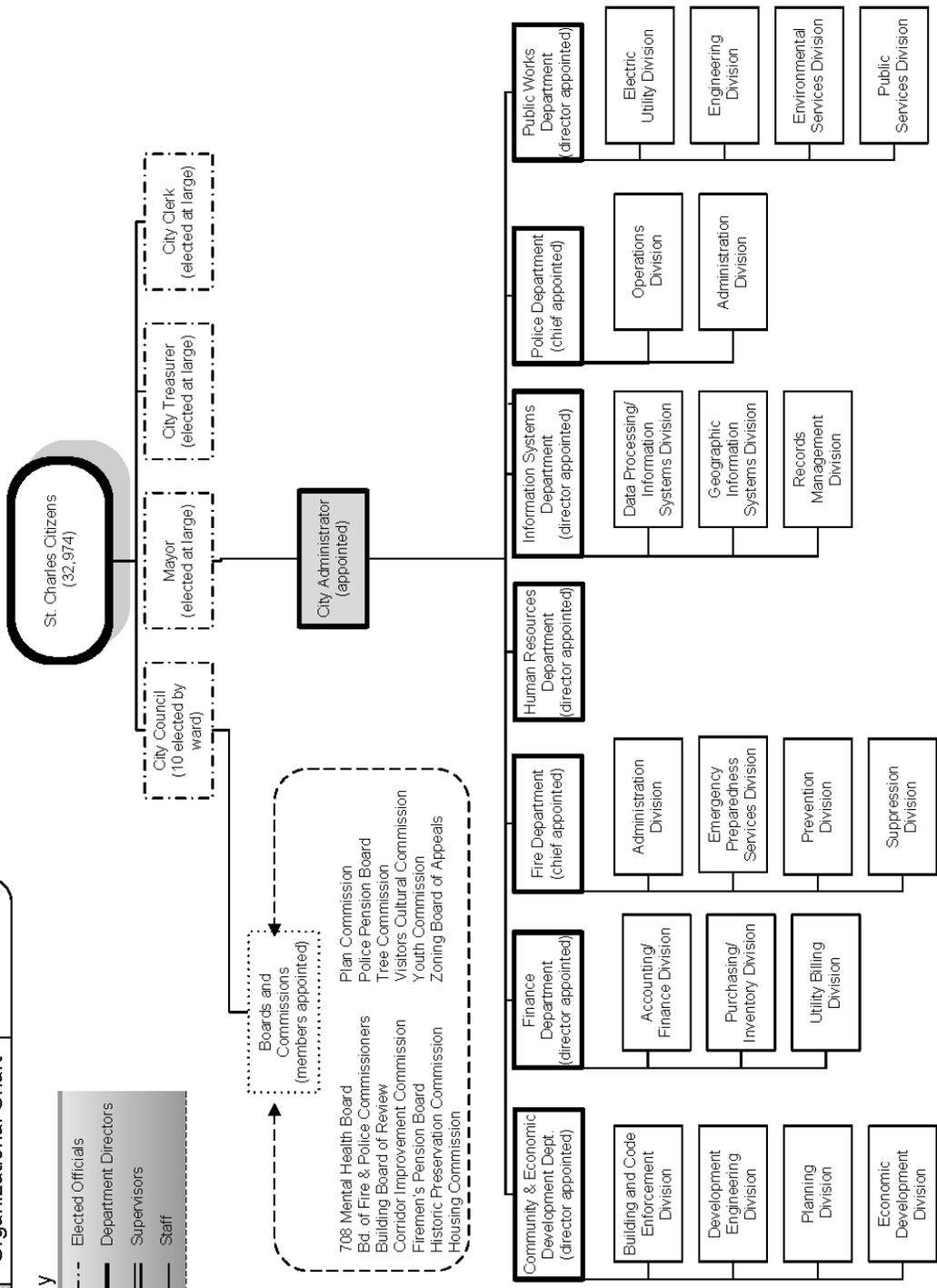
ORGANIZATION CHART



City of St. Charles, IL
Citywide Organizational Chart
1/8/2014

Key

- Elected Officials
- Department Directors
- Supervisors
- Staff



DESCRIPTION OF BOARDS AND COMMISSIONS

BOARD OF POLICE AND FIRE COMMISSIONERS

Number of Members: 5; Length of Term: 3 Years; Meetings: Meets the 2nd Monday of each month at 5 p.m. in the Fire Dept. Training Room. City Staff/Liaison: Police Chief; Sara Cass, Sr. Admin Asst.; Fire Chief Joe Schelstreet; Nonda Anderson, Sr. Admin Asst.

Intent and Purpose:

- The Board of Fire and Police Commissioners hire sworn police officers and fire fighters, conduct promotional exams, and holds disciplinary hearings.

Requirements

- Commissioners shall be officers of the municipality.
- Flexible schedule for meeting attendance

BUILDING BOARD OF REVIEW

Number of Members: 5; Length of Term: 3 Years; Meetings: 2nd Tuesday of every month, and upon call of the Chairman; 7 p.m., City Hall, 2. E. Main Street, Council Committee Room; City Primary Staff/Liaison: Bob Vann, Building and Code Enforcement Division Manager. Supporting Staff: Rita Tungare, Director of Community/Economic Development; Fire Chief Joe Schelstreet; Debbie Graffagna, Sr. Admin Assistant

Intent and Purpose:

- The purpose of the Board shall be to facilitate the interpretation and administration of City ordinances governing electric, plumbing, building, fire/life safety and similar regulations of the City ("Building Regulations") and otherwise provide technical guidance to the City Council on matters relating to the same.
- The Board has the responsibility to hear and decide appeals of decisions or determinations made by the building and /or fire official relative to the application and interpretation of the city's construction and life safety codes

Requirements:

- The Mayor shall appoint five members to the Board with the advice and consent of City Council who shall be: a registered engineer or architect experienced in building construction; a person experienced in the construction contracting industry; a person experienced in fire suppression; a person with training and/or experience in electrical construction; a person with training and/or experience in plumbing construction.

CORRIDOR IMPROVEMENT COMMISSION

Number of Members: 7; Length of Term: 3 Years; Meetings: Meets on the 1st Wednesday of every month, 7:00 p.m., City Hall, 2 E. Main Street, 2nd Floor; City Staff/Liaison: Matt O'Rourke, Planner; Rita Tungare, Director of Community/Economic Development

Intent and Purpose:

1. Adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this Chapter, consistent with Robert's Rules of Order (10th Edition).
2. Review all applications for Corridor Improvement Grants.
3. Make recommendations to the City Council for approval of Corridor Improvement Grants.
4. Advise the City Council on any matter pertaining to this Chapter and its enforcement, including, but not limited to, the following:
 - a. Amendments to this Chapter.
 - b. Policy concerning streetscape (both public and private streetscape).
 - c. Administration of the Corridor Improvement Grant Program.

Requirements:

- Members shall be chosen based upon their professional knowledge, commitment to the community, and who are: a design professional (i.e. landscape architect, landscape designer or artist); a land development professional; an owner or manager of a business located in the City; an "at large" member who resides in the City corporate limits, but does not necessarily own a business or work within the City; or possess other beneficial skills that include but are not limited to financial/accounting knowledge, interest in the arts (esp. a working knowledge of public art), and riverfront issues such as design or ecology.

FIREMEN'S PENSION FUND BOARD

Number of Members: 5; Length of Term: 3 Years; Meetings: 1st Wednesday in March, June, September and December, 8 a.m., City Hall, 2 E. Main St., 2nd Floor; City Staff/Liaison: Nonda Anderson, Sr. Administrative Assistant.

Intent and Purpose:

- The purpose of the Firemen’s Pension Fund Board is to administer, manage, invest and control the Fireman’s Pension Fund and all monies pertaining thereto in the manner provided by statute, and to pay retired and disabled beneficiaries as provided by statute.

Requirements

- The board shall consists of five members – two members shall be appointed by the mayor; two members shall be active participants of the pension fund and elected by the active participants of the fund; and one member shall be a retired participant elected by active and retired firemen. Members will attend regular annual training as required under appropriate State law.

HISTORIC PRESERVATION COMMISSION

Number of Members: 7; Length of Term: 3 Years; Meetings: 1st and 3rd Wednesdays of every month, 7 p.m., Committee Room, 2 E. Main Street, 2nd Floor; City Staff/Liaison: Russell Colby, Planning Division Manager

Intent and Purpose:

1. To hold public hearings and to make recommendations to the City Council concerning the amendment of the provisions of Chapter 17.32 hereof.
2. To hold public hearings and to make recommendations to the City Council concerning the addition or deletion of property from a Historic District and the designation, or removal of designation, of property as a Landmark, according to the provisions of Chapter 17.32 hereof.
3. To make recommendations to the Plan Commission regarding applications for Concept Plan review, Map Amendment, Special Use, and Planned Unit Development for property within a historic district or which is a designated landmark. The Historic Preservation Commission’s recommendation shall address the potential impact of the application on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected.
4. To make recommendations to the Board of Zoning Appeals on applications for Variations for property within a historic district or which is a designated landmark. The Historic Preservation Commission’s recommendation shall address the potential impact of the variation on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected.
5. To review and make final decisions on appeals of decisions by the Director of Community Development regarding Design Review for property in the CBD1 and CBD2 Districts.

6. To conduct Residential Architectural Consultations.
7. To conduct an ongoing survey to identify historically and architecturally significant sites and structures within St. Charles.
8. To investigate, hold public hearings, and recommend to the City Council the adoption of ordinances designating certain St. Charles sites or structures having special historic, community, architectural or archaeological value as landmarks.
9. To investigate, hold public hearings, and recommend to the City Council the adoption of ordinances designating certain areas within St. Charles as having special historic, community, architectural or archeological value as historic districts.
10. To maintain a register of all property, sites and structures designated as historic districts and landmarks under this ordinance, including all information required for such designation.
11. To advise and assist owners of landmarks and sites or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places.
12. To nominate landmarks and historic districts to the National Register of Historic Places.
13. To inform and educate the citizens of St. Charles concerning the historic and architectural heritage of the City.
14. To review building permit applications for new construction within historic districts and for additions to, alterations, removal or demolition of designated landmarks and/or structures within historic districts, and to issue or recommend denial of certificates of appropriateness for such actions.
15. To consider applications for certificates of economic hardship, and provide recommendations thereon to the City Council.
16. To develop criteria for the alteration, construction or removal of landmarks and sites and structures within historic districts.
17. To testify before appropriate boards and commissions on any matters affecting historically or architecturally significant sites and structures.
18. To develop a preservation component for the Comprehensive Plan for the City of St. Charles and to recommend it to the Planning Commission.
19. To recommend certification of designated historic sites and districts to the Illinois Historic Preservation Agency.

20. To advise and assist owners of significant properties within certified historic districts to receive certification for repairs and alterations so that the owner will qualify for state property tax or federal tax credit programs.

21. To undertake any other action or activity necessary and appropriate to the implementation of its powers and duties, or to implementation of the purpose of this ordinance.

Requirements:

- At least one member shall be a resident who is a representative of a local historical society or preservation organization; at least one member shall be an architect who is a resident or who works at an architectural firm located within the City; at least one member shall be a representative of the business community who is a resident or who owns and operates a business within the City; and the remaining four shall be at-large members. At-large members shall either reside within the City or own property within a Historic District, or own a designated landmark. All members shall have a demonstrated interest in historic preservation. Finally, there must be a non-voting, ex-officio member from the St. Charles Community/Economic Development Department who shall be a staff employee designated by the Director of Community/Economic Development.

HOUSING COMMISSION

Number of Members: 9; Length of Term: 3 Years, Meetings: 3rd Thursday of every month, 7 p.m., City Hall, 2 E. Main Street, 2nd Floor; City Staff/Liaison: Matt O'Rourke, Planner; Rita Tungare, Director of Community / Economic Development

Intent and Purpose:

The Commission may perform and exercise the following powers and duties:

- A. Provide advice to the City Council for increasing, retaining and rehabilitating affordable housing stock within the City of St. Charles by evaluating, setting priorities, and recommending affordable housing programs and policies, examples of which include Housing Trust Fund, Community Land Trust, Inclusionary Housing Ordinance, density bonus, fee-in-lieu of provision, etc.;
- B. Coordinate with other communities and governmental agencies in meeting the housing needs of low-income and moderate-income families in the a community;
- C. Establish liaisons with other groups interested in affordable housing in the City and the surrounding area;
- D. Work with area builders and developers in implementing affordable housing programs;
- E. Develop programs that will assist in accessing new funding opportunities at the local, state and federal levels;

F. Identify possible revenue streams to create and preserve homes that are priced to meet the needs of low- to moderate-income families;

G. Evaluate expansion of the City's Employer Assisted Housing as a tool to leverage private sector investment in workforce housing options; and

H. Create mechanisms for increasing public awareness and educating residents regarding the needs for affordable/attainable housing.

In pursuance of the foregoing duties, the Commission may perform the following:

A. Request and obtain such cooperation, assistance and data from City departments and other public agencies as may be reasonably necessary to carry out its work; and

B. With the approval of City Council, obtain consulting services as may be necessary to carry out the functions of the Housing Commission.

Requirements:

- Mayor shall appoint five (5) members from the at-large community who are either: residents of the City, own a property or business in the City, or work in the City. In addition the Mayor, along with the approval of the City Council, shall also appoint one member representing the St. Charles Park District and one member representing Community Unit School District 303.

LOCAL LIQUOR CONTROL COMMISSION

Number of Members: 5; Length of Term: 4 Years, Meetings: 3rd Monday of every month, 4:30 p.m., City Hall, 2 E. Main Street, 2nd Floor; City Staff/Liaison: Tina Nilles, Sr. Administrative Asst.

Intent and Purpose:

- The purpose of the Local Liquor Control Commission shall regulate liquor license activities including to:
 - A. Review applications and investigations of applications for liquor licenses, and late night permits annually, submit its findings and recommendations to the Commissioner;
 - B. Conduct disciplinary hearings and submitting findings and recommendations to the Commissioner;
 - C. Keep written records of its meetings and proceedings which shall be open for public inspection in accordance with the Freedom of Information Act.

Requirements:

- Two members of the Commission shall be members of the St. Charles City Council and two members shall be residents of the City of St. Charles; the Mayor serves as the

Commissioner. No member shall have any ownership, interest in, or be employed by any licensed establishment.

708 MENTAL HEALTH BOARD

Number of Members: 7; Length of Term: 4 Years, Meetings: upon call of the Chairman, City Hall, 2 E. Main Street, 2nd Floor; City Staff/Liaison: May Foster, Administrative Asst., Mayor's Office

Intent and Purpose:

- The purpose of the Board is to aid individuals in the enhancement, maintenance, and/or restoration of their mental health within the context of their environment. Mandated as the local mental health authority for the City of St. Charles, the Board shall have the power to construct, repair, operate, maintain, regulate and/or contract for community mental health facilities to provide services for City residents with, or at risk of:
 - A. mental disorders
 - B. developmental disabilities, including mental, retardation, cerebral palsy, epilepsy, and autism
 - C. substance abuse
 - D. drug abuse.

The 708 Community Mental Health Board reviews requests for funding and makes recommendations to distribute funds collected from the City's Mental Health tax, a special property tax levied to aid mental health services.

Requirements:

- The seven member Board shall be appointed by the Mayor with the advice and consent of the City Council. Members of the Board shall be residents of St. Charles and shall include citizens, consumers, and representatives of community groups concerned with mental health, development disabilities, substance addiction, as well as representatives of interested organizations such as local health departments, medical societies, local comprehensive health planning agencies, hospital boards, schools involved in such problem areas, lay associations concerned with mental health, development disabilities and substance abuse, as well as the general public. One Board member shall be a member of the City Council. No member of the Board may be a full-time or part-time employee of the Illinois Department of Mental Health and Developmental Disabilities or the Illinois Department of Alcoholism and Substance Abuse, or a board member or employee of any facility or service operating under contract to the Board.

PLAN COMMISSION

Number of Members: 9; Length of Term: 4 Years; Meetings: 1st and 3rd Tuesdays of every month following City Council Meeting (generally), 7:00 p.m., City Council Chamber, 2 E. Main St., 2nd Floor; City Staff/Liaison: Rita Tungare, Director of Community/Economic Development; Russell Colby, Planning Division Manager; Matt O'Rourke, Planner; Meagan Moreira, Sr. Administrative Asst.

Intent and Purpose:

- The Plan Commission shall:
 - A. Prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the city. Such 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 City. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements hereinafter specified. The Plan, as recommended by the Plan Commission and as thereafter adopted, 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.
 - B. Recommend changes, from time to time, in the official Comprehensive Plan;
 - C. Prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official Comprehensive Plan;
 - D. Give aid to the municipal officials charged with the direction of projects for improvements embraced within the official Plan, to further the making of these projects, and, generally, to promote the realization of the official Comprehensive Plan;
 - E. To hear and make recommendations on applications for Zoning Map Amendments, Text Amendments except for Amendments to Chapter 17.32 hereof (Historic Preservation), Special Uses and Amendments to Special Uses, and Planned Unit Developments. To sit as a Zoning Commission to consider comprehensive Zoning Map Amendments and/or Text Amendments, pursuant to 65 ILCS 5/11-13-12, as amended.
 - F. To review and make final decisions on appeals of decisions by the Director of Community Development regarding Design Review except for property in the CBD1 and CBD2 Districts.
 - G. To review Concept Plans.
 - H. In addition, the Plan Commission Chair may attend Pre-Application Meetings.

- I. Exercise such other powers as may be conferred by the City Council.

Requirements:

In making appointments to the Plan Commission, the Mayor may consider the following guidelines:

- A. Approximately half the commission should have education, job experience or significant volunteer experience in fields related to planning or land development, i.e. real estate, landscape architecture, community planning, civil engineering, etc.
- B. The remainder of the Commission membership should have a demonstrated interest in the future of the St. Charles community by participation in a community group or other activity related to the public interest.
- C. The Mayor shall not appoint more than five members of the Plan Commission residing on one side (east or west) of the Fox River. In the event a member moves from one side of the river to another, no such member shall be required to resign nor shall the Mayor be prohibited from re-appointing any such member even though the number of members from that side of the river in which he or she then resides shall continue to be more than five.

(See St. Charles Plan Commission **Rules of Procedure** on page 33.)

POLICE PENSION BOARD

Number of Members: 5; Length of Term: 2 Years; Meetings: 1st Wednesday in March, June, Sept., and Dec. at 11 a.m., St. Charles Police Dept.; City Staff/Liaison: Sara Cass, Sr. Administrative Asst., Police Dept., and Police Chief.

Intent and Purpose:

- The purpose of the Police Pension Board is to administer, manage, invest, and control the Police Pension Fund and all monies pertaining thereto in the manner provided by statute and to pay retired and disabled beneficiaries as provided by statute.

Requirements:

- The board will consist of five members: two shall be appointed by the mayor; two shall be elected from the regular police force of the city by active members thereof; and one shall be elected by and from the beneficiaries of the fund. Members will attend regular annual training as required under appropriate State law.

TREE COMMISSION

Number of Members: 9; Length of Term: 4 Years; Meetings: 2nd Thursday in January, March, April, May, July, September, November) at 7 p.m., Council Committee Room, 2 E. Main St., 2nd Floor; City Staff/Liaison: Isabel Soderlind, Public Works Administrative Coordinator

Intent and Purpose:

- The Tree Commission advises the City regarding matters related to city-owned trees, including trimming, Tree City USA designation, disease & pestilence, etc. Also:
 - a. Amendment to the code, and alteration or revision of the urban Forestry Plan.
 - b. Policy concerning selection, planting, maintenance, and removal of trees, shrubs and other plants within the City.
 - c. Recommend allocation of funds and expenditures of funds by Dept. of Public Works for planting and maintenance of trees and shrubs on city-owned property or right-of-way.
 - d. Establishment of educational and informational programs including, but not limited to, yearly Arbor Day celebration.

VISITORS CULTURAL COMMISSION

Number of Members: 9; Length of Term: 3 Years; Meetings: Meets upon call of the Chairman; City Staff/Liaison: Chris Minick, Finance Director; Carylie Forte, Sr. Administrative Assistant.

Intent and Purpose:

- The Visitors Cultural Commission will encourage, support and recommend organizations that will support and promote culture, history and the arts in St. Charles. Members review requests for funding, and make recommendations for the distribution of funds collected from the share of the Hotel/Motel Tax allocated for this purpose.

YOUTH COMMISSION

Number of Members: 10; Length of Term: 2 Years; Meetings: 1st Monday of the each month, 6 p.m., St. Charles Police Conference Room, 10 State Ave.; City Staff/Liaison: Sara Cass, Sr. Administrative Asst.; Police Chief.

Intent and Purpose:

- The Youth Commission directs services and grants to support the welfare of the City's youth. The commission shall encourage the continuing betterment of opportunities for the wholesome development of youth in the St. Charles community.

Requirements:

- Of the ten commission members, no more than three can reside outside the city limits.

ZONING BOARD OF APPEALS

Number of Members: 7; Length of Term: 5 Years; Meetings: 4th Tuesday of each month, 7:00 p.m., City Council Chambers, 2 E. Main St., 2nd Floor; City Staff/Liaison: Russ Colby, Planning Division Manager; Debbie Graffagna, Sr. Administrative Asst.

Intent and Purpose:

- To post or publish notices of public hearings, hold public hearings, review, and make final decisions regarding applications for Variations.
- To review and make final decisions regarding Appeals of administrative decisions regarding building permits, occupancy permits, sign permits, and Zoning Interpretation.

Requirements:

- Commission members must reside within the city limits.

SCHEDULE OF OFFICIAL MEETINGS OF BOARDS AND COMMISSIONS

CITY OF ST. CHARLES

Youth Commission	Board of Fire and Police Commissioners	Liquor Control Commission	Plan Commission	Building Board of Review	Corridor Improvement Commission
1 st Monday	2 nd Monday	3 rd Monday	1 st and 3 rd Tuesday <small>(following City Council Meeting)</small>	2 nd Tuesday	1 st Wednesday
6 pm	5pm	4:30 pm	7 pm	7 pm	7 pm
Historic Preservation Commission	Tree Commission	Housing Commission	Zoning Board of Appeals	Firemen's Pension Fund Board	Police Pension Board
1 st and 3 rd Wednesday	2 nd Thursday, (except Feb., June, Aug., Oct., Dec.)	3 rd Thursday	4 th Thursday	1 st Wednesday March, June, Sept., Dec.	1 st Wednesday March, June, Sept., Dec.
7 pm	7 pm	7 pm	7 pm	8 am	11 am

Meetings of the following Boards are held on an "as called" basis:

708 Mental Health Board

Visitors Cultural Commission

Meetings as called will be posted in the Reception Area at the Municipal Building and on the City website.

OPEN MEETINGS ACT - A BRIEF GUIDE

The Illinois Open Meetings Act (OMA) was created in 1957 with the purpose of promoting free and open communication between government and citizens. The OMA, along with the Freedom of Information Act, determines what types of information citizens have access to and by what method. These laws put emphasis on open communication and access to information with few exceptions made. Please find below information intended to act as a basic guide for open meetings. Additional information may be found at the Illinois Attorney General's website or in consultation with the City Clerk. You may also contact the City Records Division Manager.

The OMA applies to all public bodies. This includes "all legislative, executive, administrative or advisory bodies of the state, counties, townships, cities, incorporated towns, school districts and other municipal corporations, boards, bureaus, committees or commissions of this state..." This also includes committees and subcommittees of these public bodies.

- A "meeting" as subject to the OMA is "any gathering of a majority of a quorum of members of a public body held for the purpose of discussing public business."

This means if a public body has seven members, three would constitute a majority of a quorum of that body (four is quorum; three is a majority of a quorum).

The act is not intended to apply to chance meetings/social gatherings as these do not include the discussion of public business. However, if a *deliberation of public matters* were to begin at a chance meeting/social gathering, this would become a public meeting.

This act also applies to telephone conversations, online conversations or chats (via blogs/instant messenger services, etc.) and email correspondence between members.

- The OMA requires notification be given for all meetings. This includes a yearly schedule of all regularly held meetings and the posting of an agenda at least 48 hours in advance through the City Clerk's Office.
- Minutes must be kept for all meetings and should include: date, time and location of meeting; members present or absent; and a summary of the discussion. The minutes are to be available for public inspection within seven days after the approval of the minutes.
- For certain topics, meetings may be closed. These include discussions of employment/appointment matters, legal matters, land acquisition, security/criminal matters, and a few miscellaneous exceptions:

- The body must vote in open meeting to go into a closed session.
- No votes may be taken in closed meetings.
- A verbatim recording should be made of closed meetings. These recordings are to be kept confidential unless a question arises as to whether a meeting violated the OMA.

The Chart below provides quorum information specific to the City of St. Charles' Boards and Commissions:

Commission	Number of Members	Quorum	*Quorum Majority
Corridor Improvement	7	4	3
Historic Preservation Commission	7	4	3
Mental Health Board	7	4	3
Local Liquor Control Commission	5	3	3
Plan Commission	*9	*5	3
Housing Commission	9	4	3
Tree Commission	9	5	3
Visitors Cultural Commission	9	5	3
Youth Commission	10	6	4
Zoning Board of Appeals	7	4	3
Building Board of Review	5	3	3
Board of Fire and Police Commissioners	5	3	3
Firemen's Pension Fund Board	5	3	3
Police Pension Board	5	3	3
<i>*Any deliberation of public matters by this number or more Board/Commission Members, outside of a scheduled/noticed public meeting, is a violation of the Open Meetings Act.</i>			

*Please note the quorum may change based on the "number of seated members." For example, if there are 7 seated members on the Plan Commission, the required number for a quorum is 4, not 5.

ETHICS ORDINANCE NO. 2007-M-78
TITLE 2 “ADMINISTRATION AND PERSONNEL”

Chapter 2.44 - Ethics

Sections:

2.44.010 Adoption of Certain Provisions of the State Officials and Employees Ethics Act

2.44.020 Ethics Advisor

2.44.030 Penalties

2.44.010 Adoption of Certain Provisions of the State Officials and Employees Ethics Act

- A. The provisions of Section 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*, (hereinafter referred to as the “Act” in this Chapter) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 ILCS 430/70-5. Three (3) copies of the Act are, and have been for not less than thirty (30) days prior to the enactment of this section, on file in the office of the City Clerk.
- B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.
- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act is hereby prohibited.
- D. The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.
- E. For purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).
- F. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- G. Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for

adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.

- H. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.
- I. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City.

(Ord. 2007-M-78 § 1; Ord. 2004-M-39 § 1.)

2.44.020 Ethics Advisor

- A. The Mayor, with the advice and consent of the City Council, shall designate an Ethics Advisor for the City of St. Charles. The duties of the Ethics Advisor may be delegated to an officer or employee of the City of St. Charles unless the position has been created as an office by the City of St. Charles.
- B. The Ethics Advisor shall provide guidance to the officers and employees of the City of St. Charles concerning the interpretation of and compliance with the provisions of this Chapter and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Mayor and City Council.

(Ord. 2007-M-78 § 1; Ord. 2004-M-39 § 1.)

2.44.030 Penalties

- A. A person who intentionally violates any provision of Section 2.44.010 relating to prohibited political activities is guilty of a Class A misdemeanor.
- B. A person who intentionally violates any provision of Section 2.44.010 relating to prohibited gifts is guilty of a business offense subject to a fine of at least \$1,001 and up to \$5,000.
- C. Any person who intentionally makes a false report alleging a violation of any provision of this Chapter to the local enforcement authorities, the State's Attorney or any other law enforcement official is guilty of a Class A misdemeanor.

(Ord. 2007-M-78 § 1; Ord. 2004-M-39 § 1.)

ETHICS GUIDELINES FOR BOARD AND COMMISSION MEMBERS

DECLARATION OF POLICY

The proper operation of democratic government requires that members of City boards and commissions be independent, impartial, and responsible to the "City of St. Charles," the sole purpose of which is to serve and protect the common well-being and good of the people of St. Charles.

Accordingly, it is imperative that decisions of the City and its policies be made in the proper channels of the City structure as described on the following page; that members not interfere in the management of the City or the duties assigned to staff by the City Council; that City appointments not be used for personal, financial or political gain, or to advance the interest of family, relatives, or friends; and that the public have confidence in the integrity of its government.

PURPOSE

The purpose of these guidelines is to implement the above Declaration of Policy by establishing ethical standards of conduct for all City board and commission members, setting forth those actions that are incompatible with the best interests of the City and its residents and by requiring disclosure by board and commission members of private, financial and/or other interests in matters affecting the City. These guidelines are founded upon the principle that there should be no favoritism or appearance of favoritism. No citizen of the City or other party (including board and commission members and/or their family members) should receive any benefit from City actions beyond that which is available to any other citizen or party because of their relation to any board or commission member. In recognition of these goals, the following guidelines are established for all City board and commission members:

1. REPRESENTATION

At no time shall a board or commission member represent him or herself as an agent of the City or represent statements as City policy to residents, businesses, vendors, visitors, or any other outside party. Boards and Commissions shall not make use of City letterhead or the City logo unless approved by the City.

2. CONFLICTS OF INTEREST

No board or commission member shall engage in any business or transaction, or have a financial or personal interest, whether direct or indirect, that is incompatible with the proper discharge of his/her official duties in the public interest or that may tend to impair his/her independence, judgment, or action in the performance of these duties. Further, Kane County requires members of the following advisory groups to file statements of economic interest every January: Board of Fire and Police Commissioners, Plan Commission, Police Pension Board and Zoning Board of Appeals.

3. ABUSE OF POWER

No board or commission member shall use the power or prestige of his/her office for his/her direct or indirect private financial gain.

4. CONFIDENTIALITY

No board or commission member shall disclose confidential information concerning the property, government or affairs of the City or use such information to advance the financial or other interests of him or herself or others.

BOARD AND COMMISSION ROLES

Boards and commissions serve in an advisory role, making recommendations to the elected City Board, which has the responsibility for decision-making and policy-setting. Effective boards and commissions follow an established procedure, making use of an agenda and practicing Robert's Rules of Order in the conduct of business. It is important to maintain a relationship of respect between various participants and understand roles.

ROLE OF COMMISSIONER

The commissioner's main responsibilities are to come prepared for meetings and make contributions towards board/commission efforts. Commissioner suggestions on new initiatives are encouraged, and commissioners should be willing to perform associated legwork where appropriate. An effective commissioner should endeavor to attend all board or commission meetings on time, and phone the Chairperson or staff liaison in advance if he/she is expecting to be late or absent. Commissioner attendance is critical because it ensures that good discussions, decisions and recommendations occur at the commission level. The commissioner should read all agenda packet materials prior to the meeting and be prepared to participate in board/commission discussions. Commissioners may on occasion be approached by residents or other parties, including the media, to speak on behalf of the City. Commissioners should exercise care in these situations to avoid statements contrary to the general position of the City, and are advised to direct inquiries to the board or commission chairperson or staff liaison as appropriate. Similarly, with requests for assistance, commissioners should direct inquiries to City staff, which are trained to handle resident issues, or bring the issue to the commission for discussion. Allowing staff to work directly with citizens reinforces that all are treated equally by the City.

ROLE OF CHAIRPERSON

The chairperson has several main responsibilities including presiding over the board or commission and conducting its business in an orderly fashion. In addition to these central duties, a chairperson often acts informally as the board or commission representative to the outside world. The role of the chairperson also includes compiling the agenda with the staff liaison prior to each board/commission meeting, ensuring that business is properly conducted, periodically reviewing the board's/commission's charter with members to verify that the outlined goals are being met, assigning subcommittees of the commission, and calling special commission meetings with the assistance of City staff as necessary.

ROLE OF COUNCIL LIAISON

The Council liaison's main role is to be an observer and a link to the City Council when deemed necessary by the Mayor and Council. Council liaisons are non-voting members and are not expected to steer the conversation at the board or commission level. As the City's representative, the liaison provides factual information with regards to the City and clarifies the City Board's position on particular issues when necessary. Liaisons should also update the board or commission with information on programs/activities/legislation or interest garnered through various City resources.

ROLE OF STAFF LIAISON

The staff liaison's main role is to serve as facilitator. Staff liaisons are non-voting members and should not be involved directly in the deliberations of items before the board or commission. As the City staff representative, the staff liaison provides factual information as needed and clarifies City policy if there is uncertainty on a particular issue. As the facilitator, the staff liaison is responsible for ensuring that commission members have all necessary information to allow them to make informed recommendations to the City. Staff liaisons also work with the chairperson to develop the agenda and packet information.

ROLE OF RECORDING SECRETARY

The recording secretary is charged with providing the City with draft minutes of board and commission meetings.

APPOINTED OFFICIALS GUIDELINES

The following guidelines shall be used by commissions in order to guide the actions and set the expectations for appointed officials in the City of St. Charles. These guidelines contain summaries of various statutes, rules, and regulations. These summaries provide only general overviews and should not be used to decide specific issues. Any questions regarding specific circumstances should be directed to the staff liaison.

DUTIES AND RESPONSIBILITIES OF APPOINTED OFFICIALS

A commission shall have the duties and responsibilities as set forth in the City's Municipal Code, state statute, or other procedure or policy. Further duties and responsibilities may be assigned by the Mayor and City Council.

FORM OF GOVERNMENT

In St. Charles, the City Council, consisting of a Mayor and ten council members, is the legislative and policy-making body of the City. The City Council is elected by the residents of the City and serves for a term of four years. The Mayor presides at all City Council meetings. The Mayor serves as the Chief Executive Officer of the City. The Mayor appoints the positions of City Administrator, Staff Officers and City Attorney with the consent of the City Council. In addition, the Mayor appoints all members to the City's Commissions and Boards. The Mayor also serves as the Liquor Commissioner.

The day-to-day administrative operations of the City are the responsibility of a full-time, professional City Administrator. The City Administrator provides policy advice, directs the daily operations of the City government, handles personnel functions, and is responsible for the preparation and maintenance of a budget (this includes reviewing and monitoring all expenses).

ATTENDANCE AT MEETINGS

It is the obligation of each appointed official to attend all meetings of their respective commission. In the event of illness or unavoidable absence, it is the responsibility of the appointed official to notify the staff liaison.

RESPONSIBILITIES OF THE CHAIR

The Chair of each commission shall be responsible for the following:

- Presiding at all meetings of the commission.
- Calling special meetings of the commission, in accordance with the Illinois Open Meetings Act.
- Signing any appropriate documents prepared by the commission, including recommendations to the City Council.
- Ensuring that all actions of the volunteer body are properly taken.

- Conducting all meetings in a proper and efficient manner.
- Working with the staff liaison to set the meeting agenda.
- Focusing discussion at meetings on agenda items to attempt to achieve a consensus on issues.
- Ensuring that the commission's actions are consistent with the interest of the City as dictated in the policies set by the City Council.

CITY COUNCIL/STAFF LIAISONS

The Mayor and City Council may recommend a City Council liaison to represent the City Council and provide a link to the commission.

The City Administrator may designate a staff liaison for each commission. These staff liaisons shall, under the direction of the City Administrator, advise and provide technical support in addition to any other defined duties.

ROLE OF CITIZENS/PUBLIC

The City encourages residents to attend open sessions of all commission meetings. A formal agenda shall always be prepared for each open meeting and, where applicable, public notices shall be distributed to all identified, affected parties.

If the agenda provides an open forum for general questions on non-agenda items pertinent to the role of the volunteer body, such discussion shall be permitted. However, the open forum may be limited at the discretion of the Chair, with concurrence of the majority of the members of the volunteer body.

TRAINING

If any appointed official believes that training should be provided in order to improve the performance and understanding of the obligations of that member or the volunteer board collectively, such appointed official should contact either the Chair or staff liaison. The staff liaison shall then request that the expenditure be included in the next fiscal year's budget.

PARLIAMENTARY PROCEDURES

Pursuant to the Illinois Municipal Code, each public body may decide the manner in which it will hold its meetings. In St. Charles, the rules and procedures for City Council meetings are set forth in Title 2 of the St. Charles City Code. As a general rule, when neither the City Code nor other enactment sets forth a particular rule regarding a particular situation or vote, rules established in Roberts' Rules of Order will control.

RESIGNATIONS

Members of a commission who find it necessary to resign shall notify the Chair in writing. The Chair shall then notify the Mayor of such resignation. The Mayor shall appoint a replacement to fill the vacant position as soon as practicable.

STAFF LIAISON GUIDELINES & PROCEDURES

ROLE OF THE STAFF LIAISON

- A. The staff liaison's main role is to serve as a facilitator. Liaisons are non-voting members and should exercise restraint when becoming involved directly in the deliberations of items before the commission. As the City's resource, the liaison should provide factual information as needed and clarify City policy if there is uncertainty on a particular issue. As the facilitator, it is the liaison's responsibility to ensure that commission members have all necessary information that allows them to make informed recommendations to City Council.

- B. The staff liaison needs to keep the Department Head/City Administrator apprised of issues that are discussed at meetings.

COMMUNICATION WITH COMMISSIONERS

New Commissioners

Each new commissioner should receive a welcome letter and orientation packet from the staff liaison. Information should include the following:

- 1. Appointed Officials Guidelines
- 2. Ethics Guidelines
- 3. List of all commissions, boards, and sub-committees with their respective City Council and/or Staff Liaison
- 4. Meeting Minutes from five previous meetings
- 5. Relevant Contact Information
- 6. Relevant City Code sections
- 7. Other key documents

Meeting Packets

Staff liaisons will work with the commission chairperson to develop the agenda and information for the packet for each meeting. The information provided should present a thorough background of all items scheduled for deliberation at the meeting. This packet should be distributed to all commission members at least four days prior to the meeting date. Meeting packets are to include the following:

1. *Agenda*
In preparation for each meeting prepare and post the agenda (and other required legal notices) in accordance with Open Meetings Act requirements. Meeting notices should be sent to the City Administrator's office at least one week in advance for public posting.
2. *Meeting Minutes*
The draft minutes should be reviewed by the staff liaison as well as the other commission members and included in the packet as a draft.
3. *Support Information*
Prepare any necessary handouts for all non-participant attendees, which will assist in educating interested parties and assist in framing the issue under discussion.
4. *Agenda Summary*
The meeting packet shall include an agenda summary. The memo, prepared by the liaison, will include a brief description of the contents of the packet, will provide information to help frame issues and will provide staff recommendations for items requiring a commission vote.

TIPS FOR NEW COMMISSIONERS

CITY COUNCIL

Commissions serve as independent advisors to the City Council. Keeping this in mind is important when considering the Commission's relationship to the Council. Not having the final word can be a difficult thing. It is especially hard when the Commission has a different view than the staff recommendation and expends great amounts of time on its advice knowing that it may be rejected by the Council. Do not let this discourage you. Instead, look for ways the Commission can advance their cause and strengthen its relationship with the staff and City Council.

The Council begins with the responsibility of appointing the members of the Commission. It is the Council's job to create a capable Commission with a balance of experience and expertise. The Council then leaves the Commission to do its job. The two groups have distinctly different responsibilities. Council members are policymakers. They are elected by and are responsible to the public who they represent in all its various constituencies. Commission members are not policymakers. They are appointed to work within the ordinances adopted by the Council. They work within already established policies and do not change policy based on public comment. The Commission functions like a technical consultant to the Council recommending effective ways to accomplish the general community goals requested by the Council. The Council gives a sense of direction to the Commission. The Commission then uses its specialized background and expertise to make recommendations back to the Council.

CITY STAFF

It is important that the Commission and staff agree on ways to foster a mutually beneficial work relationship. Clarity regarding roles, duties, and expectations should be viewed as a top priority. While the Commission typically focuses on the "bigger picture" associated with policy, direction, and goal setting, the chief responsibilities of staff involves providing technical assistance and guidance – and managing the many competing daily functions of the City.

Don't forget that the staff is there to assist. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments during meetings. Always ask them to comment prior to a final vote.

Do not take staff recommendations lightly. These recommendations are made after much study by professional people with years of experience in their field and are based on pertinent laws, ordinances, regulations, policies, and practices developed by the City Council. A Commissioner's job is to support staff recommendations with information developed during Commission meetings.

Effective staff/commission relations are vital to the overall success of the Commission's mission. Resist the temptation to micro-manage. Commission members are not expected to be

professional staff. Control public behavior and never be guilty of berating, downgrading, or insulting the staff or the City. There will always be some tension between Commissioners and staff; each has different responsibilities and, often, different perspectives. Therefore, it's important to develop a creative partnership.

APPLICABLE LAW

When considering applications or requests from the public, the Commission is operating within a prescribed set of procedures and standards, as set out in state and local regulations. When someone appears before the Commission, the question is not whether or not the members "like" the proposal, but whether or not it complies with the regulations.

OBSERVATIONS

Avoid tunnel vision and the "we've always done it that way" approach. Be familiar with other communities with similar situations. Be able to direct staff where to search out resources. Be open to new suggestions and be proactive in the planning for the community's future. When Commissioners are viewed as promoting their own interest, citizens may legitimately wonder about the fairness of the process. However, each Commissioner needs to be guided by what is in the best interests of the City.

Being a Commissioner can change your perception about how plans are made and cities are governed. It is very easy to take pot shots at elected and appointed officials when you are a concerned citizen. Once you have made the transition to being a policy advisor, you realize how difficult the decisions can be. You may be called upon to approve plans that are unpopular with a group of citizens. Think carefully before you respond to demands from citizens. Often a salient issue will come to the attention of citizens before you as a Commission member, have all the facts. Resist the urge to express your opinion until you are sure about where you stand on the issue.

ANTI-HARASSMENT

APPLICABILITY: All Employees

The City of St. Charles strives to create a healthy work environment in which all employees are treated with dignity and respect. Also, any form of discrimination or [harassment](#) will not be tolerated. Harassment in the [workplace](#) is unacceptable conduct and will not be tolerated by anyone, including any [employee](#), [supervisor](#), elected official, vendor, customer, or any other third party. It is the responsibility of each individual employee to refrain from harassment or discrimination of other employees. It is the right of each individual employee to work in an environment free from harassment.

PROHIBITED CONDUCT

APPLICABILITY: All Employees

This policy prohibits [harassment](#) or other [workplace](#) discrimination based on an employee's protected status under state and federal law.

Harassment is defined as unwelcome conduct, whether verbal, physical, or visual, that denigrates or shows hostility or aversion toward an individual based upon that person's race, gender, sex, sexual orientation, age, color, religious affiliation, national origin, physical or mental [disability](#), ancestry, marital status, military status, unfavorable [discharge](#) from military service, order of protected status, or other legally protected status. The City will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual's work performance, affecting an individual's tangible job benefits, or creating an intimidating, hostile, or offensive work environment. Consensual sexual relationships between co-workers are strongly discouraged. Consensual sexual relationships between supervisors and their subordinate employees are strongly discouraged.

The conduct forbidden by this policy specifically includes, but is not limited to:

1. Epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status.
2. Jokes, kidding, teasing, or practical jokes directed at a person based on his or her protected status.
3. Written or graphic material circulated, available on the City's computer system, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.
4. Any [employee](#) mocking or belittling any other employee.
5. The City discourages any such conduct in the workplace, and this policy prohibits harassment based on an individual's protected status, even if it does not rise to the level of a legal violation.

SEXUAL HARASSMENT

APPLICABILITY: All Employees

[Sexual harassment](#) is a serious offense and is often misunderstood. Sexual [harassment](#) includes any harassing conduct based on gender, regardless of whether the conduct is sexual in nature. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders.

Unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment constitutes sexual harassment when:

- Submission to the conduct is an explicit or implicit term of employment,
- Submission to or rejection of such conduct is used as a basis for an employment decision affecting an individual (tangible employment action), or
- The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation.

The City considers the following conduct to represent, but are not limited to, some of the types of acts that violate this harassment policy:

1. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, hugging, kissing, etc.
2. Physical assaults of a sexual nature, including, but not limited to, coerced sexual intercourse, sexual battery, sexual assault, or rape.
3. Unwanted sexual advances, propositions or other sexual comments, including, but not limited to, sexually oriented gestures, noises, leering, remarks, innuendo, jokes, or comments or verbal abuse of a sexual nature. Also included are preferential treatment and promises of a preferential treatment to an [employee](#) for submitting to sexual conduct.
4. Sexual or discriminatory displays or publications anywhere in the City [workplace](#) by City employees, including, but not limited to, pictures, posters, calendars, graffiti, objects, reading materials, computers, or other materials that are suggestive, demeaning, or pornographic.

SUBTLE FORMS OF SEXUAL HARASSMENT

APPLICABILITY: All Employees

The most severe and overt forms of [sexual harassment](#) are easier to determine. On the other end of the spectrum, some sexual [harassment](#) is subtler and depends, to some extent, on individual perception and interpretation.

EMPLOYEE RESPONSIBILITY

APPLICABILITY: All Employees

Every [employee](#) is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited [harassment](#) under this policy. Employees should immediately report observed conduct that is unwelcome, offensive, inappropriate, or in poor taste. The employee should notify his or her [supervisor](#) or the Director of Human Resources with complaints about alleged problems or violations of this policy at any time. Employees are expected to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. Complaints need not be limited to someone who was the target of the alleged offending conduct. Anyone who has observed an alleged violation of the policy is required to report such conduct. An individual employee who harasses a fellow worker is liable for his/her individual conduct.

SUPERVISOR RESPONSIBILITY

APPLICABILITY: All Employees

Each [supervisor](#) is responsible for maintaining a [workplace](#) free from all forms of [harassment](#) and set an example for your employees. This is accomplished by promoting a professional environment and by dealing with harassment like any other form of [employee](#) misconduct. The courts have found that organizations, as well as supervisors, can be held liable for damages related to harassment by a manager, supervisor, employee or third party.

Supervisors must act quickly and responsibly not only to minimize their own liability but also that of the City. Inform your staff that such behavior is unacceptable to you, as well as to the City. Make sure that all of your employees know and understand the law, the harassment policy, and grievance procedures.

Specifically, a supervisor must immediately address an observed incident of harassment or a complaint with seriousness, take appropriate disciplinary action, and observe strict confidentiality. The supervisor must consult with the Director of Human Resources on the proper procedures to follow. This also applies to cases where an employee tells the supervisor about behavior considered harassment but does not want to make a formal complaint.

Supervisors must ensure that no retaliation will result against an employee making a harassment complaint.

COMPLAINTS OF HARASSMENT

APPLICABILITY: All Employees

If an employee experiences or witnesses any conduct that he or she believes is inconsistent with this policy, they should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the supervisor, Director of Human Resources, and offending employee. This may be done in writing or orally. Each supervisor must immediately report to Human Resources any complaint or observation of conduct which may violate this policy.

The process for making a complaint about harassment falls into several stages:

DIRECT COMMUNICATION

If there is harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

CONTACT WITH SUPERVISORY PERSONNEL

At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by this situation, the problem must be promptly reported to the immediate supervisor or to the Director of Human Resources. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision or the Director of Human Resources.

FORMAL COMPLAINT

An employee may also report incidents of harassment directly to the Director of Human Resources. The Director of Human Resources will counsel the reporting employee and be available to assist with filing a formal complaint. The City will fully investigate the complaint and advise the complainant and alleged harasser of the results of the investigation.

CONFIDENTIALITY

The City will protect confidentiality by every means legally possible, but confidentiality cannot be completely guaranteed.

CITY RESPONSE

APPLICABILITY: All Employees

All reports describing conduct that is inconsistent with this policy will be investigated promptly. Employees who believe they have been subjected or exposed to discrimination or harassment prohibited by this policy have the right to have any such activity terminated immediately. The City may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. The City will take further appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The City might also conclude, depending on the circumstances,

either that no violation of the policy occurred or that the City cannot conclude whether or not a violation occurred.

The harassing employee will be subject to disciplinary action up to and including termination in accordance with City policy or a bargaining agreement, as appropriate.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the City will take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The City may discipline an employee for any inappropriate conduct discovered in investigation reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of policy. If the person who engaged in harassment is not employed by the City, then the City will take whatever corrective action is reasonable and appropriate under the circumstances.

After the investigation is finalized, the human resources director will meet with the complainant and respondent separately to explain the City's findings and disciplinary or prevention action, if necessary.

Employees are encouraged to use the above complaint procedure(s) to report and resolve their complaints of harassment or retaliation. Our policy provides for immediate notice of problems to the City employees and officials listed above, so that we may address and resolve any problems without waiting for legal proceedings to run their course. However, employees may also file a charge of discrimination in writing with the Illinois Department of Human Rights (IDHR) within 180 days of the harassment and/or the Equal Employment Opportunity Commission (EEOC) within 300 days at:

Illinois Department of Human Rights (IDHR)

<http://www.state.il.us/dhr>

100 W. Randolph St., Ste. 10-100

Chicago, IL 60601

312/814-6200 Chicago

312/263-1579 TDD Chicago

Equal Employment Opportunity Commission (EEOC)

<http://www.eeoc.gov>

500 W. Madison St., Ste. 2800

Chicago, IL 60661-2511

312/353-2713 or 312/814-6269 Chicago

312/814-4760 TDD Chicago

POLICY AGAINST RETALIATION

APPLICABILITY: All Employees

The City forbids that any employee treat any other employee or former employee or applicant adversely for reporting harassment, for assisting another employee or applicant in making a report, for cooperating in a harassment investigation, or for filing an administrative claim with the IDHR or EEOC. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above. No one will be retaliated against, even if a complaint made in good faith is not substantiated.

RESOLUTION OUTSIDE THE CITY

APPLICABILITY: All Employees

It is hoped that most harassment complaints and incidents can be resolved within a department; however, any employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

An employee who is suddenly transferred to a lower paying job or passed over for promotion, after filing a complaint with IDHR or EEOC may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

FALSE COMPLAINTS

APPLICABILITY: All Employees

False charges refer to cases where the accuser files a sexual harassment complaint that can be proven false. Given the seriousness of the consequence for the accused, a false charge is a severe offense that can itself result in disciplinary action.

CONFIDENTIALITY

APPLICABILITY: All Employees

In investigating and in imposing any discipline, the City will attempt to preserve confidentiality to the extent that the needs of the situation permit and in order to conduct an investigation. Confidentiality cannot be guaranteed.

RULES OF PROCEDURE FOR THE ST. CHARLES PLAN COMMISSION

City of St. Charles, Illinois
(as modified through May 22, 2012)

ARTICLE I: PREAMBLE

These rules shall govern the conduct of business by the St. Charles Plan Commission, hereinafter referred to as the Commission. The Commission's powers are granted by Chapter 2.28, Title 16 and Title 17 of the *St. Charles Municipal Code*, and *Illinois Compiled Statutes*, 65 ILCS 5/11-12-4 et seq., 65 ILCS 5/11-13-1 et seq., and 765 ILCS 205/01 et seq.

ARTICLE II: POWERS

The Plan Commission shall have the following powers:

- A. To prepare and recommend to the corporate authorities a comprehensive Plan for the present and future development or redevelopment of the City. Such 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 City. This Plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements hereinafter specified. The Plan, as recommended by the Plan Commission and as thereafter adopted, 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. Such plan may be implemented by ordinances to implement the following provisions:
 - 1. Establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined,
 - 2. Establishing reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment, and
 - 3. May designate land suitable for annexation to the municipality and the recommended zoning classification, for such land upon annexation.
- B. To recommend changes, from time to time, in the official comprehensive Plan;

- C. To prepare and recommend to the corporate authorities, from time to time, Plans for specific improvements in pursuance of the official comprehensive Plan;
- D. To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official Plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive Plan;
- E. To exercise such other powers as may be conferred by the City Council, including:
 - 1. To hold public hearings and make recommendations on zoning matters including amendments to the Zoning Ordinance, map amendments (rezoning), special uses, and planned unit developments, as provided in Title 17, "Zoning", of the St. Charles Municipal Code.
 - 2. To review and make recommendations on subdivision matters including preliminary plans and final plats as provided in Title 16, "Subdivisions and Land Improvements" of the St. Charles Municipal Code.

ARTICLE III: SEPARABILITY

Should any section or provision of these procedures be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the procedures as a whole or any part thereof other than the part so declared invalid.

Should any section or provision of these procedures be incorrectly followed, such action shall not affect the validity of the Commission's action or the procedures as a whole or any part thereof.

ARTICLE IV: MEMBERSHIP AND OFFICERS

The Commission shall consist of the nine (9) members appointed by the Mayor with the advice and consent of the City Council. The Mayor of St. Charles shall be an ex officio member with voice but without vote. The following persons shall be Auditory Members, with voice but without vote:

- A. The Superintendent of St. Charles Community Unit District 303, or his designated representative, as appointed by the District 303 Board of Education
- B. The Executive Director of the St. Charles Park District, or his designated representative, as appointed by the Park District Board of Commissioners.

The following officers of the Commission are elected by the Commission itself from among those Commission members seated at the time of election, which is to be held the first meeting of May of each year, or as soon thereafter as may be practicable.

- A. A Chairman, who shall supervise the affairs of the Commission. The Chairman shall preside at all meetings of the Commission and shall appoint such committees to carry out the purposes of the Commission as necessary. The Chairman shall be an ex-officio member of all committees so appointed.
- B. A Vice Chairman, who shall perform such duties as may be delegated by the Chairman. In the absence or disability of the Chairman, the Vice-Chairman shall perform all the duties and exercise all the powers of the Chairman.

All records of the Commission shall be maintained and kept at the St. Charles Community Development Department and shall be available to the public in accordance with the Freedom of Information Act.

In the absence of the Chairman and Vice Chairman, an acting chairman shall be appointed by the majority of those present.

ARTICLE V: MEETINGS

The Commission shall typically meet twice a month, on the Tuesdays following the first and third Mondays of the month in accordance with applicable provisions of the *Illinois Compiled Statutes* and the *St. Charles Municipal Code*.

All meetings will start at 7:00 p.m. in the Council Chambers of the Municipal Center, or other location as determined by the Chairman. No agenda item shall begin to be addressed after 10:30 p.m. except for the purpose of continuation of a public hearing or tabling of an agenda item, unless a majority of the quorum agrees to proceed.

The conduct of the meeting shall be governed by *Robert's Rules of Order Newly Revised (10th Edition)*, except where it conflicts with state statute, municipal code, or these Rules of Procedure.

Any person may record the proceedings at any Plan Commission meeting by tape, film, or other means (5 ILCS 120/2.05), subject to the following requirements:

- A. The right to record a meeting shall not include the right to any specific seat or location within the room in which the meeting is held.
- B. No person may record the proceedings in such a way that obstructs the ability of any other person to view or hear the proceedings, or otherwise disrupt the proceedings. For purposes of these rules, the use of artificial illumination for photo or video purposes shall be considered a disruption.

- C. If anyone refuses to testify because his or her comments will be broadcast or televised, or if motion pictures are to be taken of the witness, the recording of said comments is hereby prohibited in accordance with Section 2.05 of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.) and Section 5/8-701 of the Illinois Code of Civil Procedure.

Special meetings may be called by the Mayor, the Chairman, or by any two (2) members of the Commission in accordance with applicable provisions of the *Illinois Compiled Statutes* and the *St. Charles Municipal Code*. (Municipal Code Title 2)

A simple majority of the seated members of the Plan Commission shall constitute a quorum. Final action shall be taken upon measures before the Plan Commission with a concurrence of a simple majority of the members present provided a quorum is present. (Municipal Code Title 2)

Plan Commission members are expected to attend all meetings to assure that they are well-informed before voting on recommendations to the City Council. If a member will not be able to attend a meeting, the member should notify the Planning Office as soon as possible. If the Planning Office determines that a quorum may not be present, the Planning Office will inform the Chairman, who may cancel the meeting.

If a member fails to notify the Planning Office of non-attendance at three (3) consecutive meetings, the Chairman should contact the member to determine the cause and to assess the member's willingness to continue as a Commission member. If for some reason the member is unwilling or unable to complete his term in office, a written letter of resignation to the Mayor is in order.

ARTICLE VI: ORDER OF BUSINESS

The order of business at regular meetings shall be:

- I. Call to order
- II. Roll call
- III. Omnibus vote*
- IV. Approval of Minutes
- V. Public hearings
- VI. Meeting
 - a. Concept Plan Applications (applicant presentation limited to ten minutes)
 - b. Old business
 - c. New business

- d. Reports and memoranda
- e. Additional business
- f. Meeting announcements

VII. Adjournment

*Omnibus Vote:

The staff may, with the consent of the Chairman, place certain agenda items on an “Omnibus Vote.” This shall consist of items where Commission action is considered routine, discussion and debate is projected to be minimal, and unanimous approval of the motion (as drafted by the staff) is anticipated. Omnibus Vote items shall be clearly identified on the meeting agenda.

Prior to the Omnibus Vote, any Commission member may remove any item from the omnibus vote. Prior to the Omnibus vote, the Chairman will ask if anyone in the audience wishes to speak to an item on the omnibus vote. If anyone other than a Commission member requests the removal of any item from the Omnibus vote, such items may be removed by vote of the majority of the quorum. Once removed, the item will be addressed at its normal point on the agenda.

ARTICLE VII: REVIEW OF APPLICATIONS

The Commission considers the following types of applications:

General Zoning Amendment - Text change; a request for change in the Zoning Ordinance (*St. Charles Zoning Ordinance 17.04.320*)

Map Amendment - a request for change in the zoning district classification of a specific land parcel (*St. Charles Zoning Ordinance 17.04.320*)

Special Use Application - a request for a special use within a zoning district as set forth in the Zoning Ordinance (*St. Charles Zoning Ordinance 17.04.330*)

Planned Unit Development Application - a particular type of special use which allows for flexibility and creativity. The land is developed as a unified parcel under the zoning and subdivision regulations (*St. Charles Zoning Ordinance 17.04.400*)

Subdivision Application - a process for dividing a parcel of land into two or more lots (*St. Charles Subdivision and Land Improvement, City Code Title 16*).

The time needed to review and make a recommendation on each application will be determined by the completeness and substance of the application, the complexity of the application, and the length of the Commission agendas, within any statutory limits.

ARTICLE VIII: CONDUCT OF PUBLIC HEARINGS

Public hearings will be conducted at regularly scheduled meetings of the Commission, or at other such times as decided by the Chairman with the approval of a majority of the Commission. The hearings will start at 7:00 p.m.

The Chairman, with approval of the Commission, may change or continue the regular public hearing date and time.

Any interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.

All witnesses to material facts shall testify under oath, to be administered by the Chair.

The Chairman, with consent of a 2/3 majority of the Commission, may limit testimony to a specific amount of time to provide a reasonable opportunity for all interested persons to testify.

The Commission is not bound by the strict rules of evidence, but the Chairman may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

A complete transcript for each public hearing will be distributed with the agenda for the next regular Commission meeting.

The procedure for all public hearing matters considered by the Commission shall be as follows:

- a. Call to order and roll call.
- b. The Chairman opens the public hearing for the application(s).
- c. The Chairman presents a brief explanation of the public hearing procedure and swears in those wishing to give testimony.
- d. The Vice Chairman presents the application before the Commission.
 - i) The Vice Chairman enters the application into the record by describing each accompanying exhibit with its title and number.
 - ii) The Vice Chairman reads any part of the application or exhibits as deemed necessary or as requested by a Commission member or audience member.

- e. Applicant presents testimony regarding the petition and associated applications. The initial oral presentation by the applicant shall be limited to 10 minutes for simple applications, and 30 minutes for complex applications. The Chairman may permit an extension of time if he determines that the allotted time does not provide sufficient opportunity to fairly present the application.
- f. Questions directed to applicant
 - i) From Commission members
 - ii) From Attendees
- g. Presentation of testimony from others regarding the petition and associated applications.
- h. Rebuttals.
- i. Plan Commission follow-up questions.
- j. Plan Commission discussion of evidence gathered relative to findings of fact.
- k. Hearing closed or continued by the approval of a motion of the Commission.

If the public hearing is closed, the Commission shall not accept any comment regarding the petition from anyone outside the Commission, except:

- a. A staff report based on the evidence presented at the public hearing.
- b. Any person presenting information in response to a specific question from the Commission.
- c. Any person presenting testimony that directly rebuts sworn testimony presented at the hearing.

ARTICLE IX: FINAL DISPOSITION

The final disposition of any application will be a recommendation setting forth the findings and determinations of the Commission, together with any modifications, conditions, or limitations made as allowed by ordinance or statute. The Commission's recommendations will be in the form of a motion clearly stating the findings and determinations.

All Commission members present, including the Chairman or anyone acting as Chairman, shall be permitted to vote on all issues that come before the Commission.

ARTICLE X: COMMITTEES

Standing Committees

A. Special Review Committee

This Committee shall meet at the call of its Chairman or by a simple majority vote of the Commission. The membership of this Committee shall consist of all members of the Commission. The Committee shall make in-depth examinations of planning issues as determined by the Commission. The Special Review Committee shall be chaired by the Vice Chairman of the Commission.

B. Development Review Committee

This Committee will meet at the call of its Chairman or by a three-fourths (3/4) majority vote of the Commission. The Development Review Committee shall be chaired by the Vice Chairman of the Commission. This Committee shall conduct a review of recent land development for the purpose of:

1. Checking on compliance with approved plans and ordinances;
2. Acquiring a practical knowledge of the results of prior Plan Commission/City Council land use decisions that can be applied to future decisions.
3. Visiting development projects in other communities as examples of designs or processes that could improve the quality of development in St. Charles.

Ad Hoc Committees

The Chairman or the Commission by a simple majority may create such ad hoc committees as necessary to carryout the duties of the Commission. The Committee and members will be appointed by the Chairman with the approval of the Commission.

ARTICLE XI: CONFLICT OF INTEREST

No member of the Commission shall participate in any case in which he has a personal or pecuniary interest in the property or action concerned, or will be directly affected by the decision, or has or believes he has any other conflict of interest as defined by Illinois Revised Statutes.

ARTICLE XII: AMENDMENTS

Amendments to these Rules of Procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the members of the Commission, prior to which the proposed rules or amendments have been distributed to all members of the Commission four (4) days in advance of said meeting; in any case, distribution of proposed rules or amendments with the Friday meeting agenda packet shall be deemed adequate notice.

The forgoing rules and regulations are hereby adopted by the St. Charles Plan Commission on this 22nd day of May, 2012.

Todd Wallace, Chairman
St. Charles Plan Commission

Tim Kessler, Vice Chairman
St. Charles Plan Commission

FREEDOM OF INFORMATION ACT: A BRIEF GUIDE

The Freedom of Information Act was enacted to allow citizens of Illinois to have access to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and employees. The City of St. Charles understands the importance of providing accurate information to the public so they can be well informed regarding City operations. A well-informed community will help the City to better serve its residents.

In 2009, the Illinois Attorney General drafted legislation to rewrite the State of Illinois Freedom of Information Act (FOIA) and revise the Open Meetings Act (OMA). The purpose was to increase government transparency and accountability. The updated law went into effect January 1, 2010. The new law provides tools and provisions to ensure the public has timely access to information and public meetings. One of the most significant changes was the codification of the Public Access Counselor (PAC). The PAC was originally created in 2004 and is now a permanent part of the Illinois Attorney General's Office. The purpose of the PAC is to ensure that FOIA and OMA fulfill their goal of providing the public access to government documents and to open communication with the City.

Public records as defined by FOIA include: "all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." E-mails are considered "electronic communications" and fall within this definition.

City e-mail accounts and personal e-mail accounts that are used to conduct City business are considered public records and subject to FOIA. E-mail messages exchanged through the City's e-mail system are archived and retained, however, personal e-mail accounts are not. When using personal e-mail accounts to conduct City business, e-mails should be carefully evaluated before they are deleted.

Under FOIA, the presumption is that all records are presumed to be public documents and open to the public for inspection or copying. If it is asserted that a record is exempt from disclosure, the City has the burden of proving by clear and convincing evidence that the record is exempt. Section 7 (Exemptions) of FOIA identifies information that would be exempt from disclosure. When responding to a request and asserting an exemption, the City must identify the specific exemption(s), provide a detailed, factual basis for the exemption, and refer the requestor to the PAC and the appeals process.

Additional information can be found at the Illinois Attorney General's website or in consultation with the City Clerk. You may also contact the City Records Division Manager, the City's FOIA officer.

FACTORS TO CONSIDER:

The following questions should be considered when determining whether an e-mail is a public record:

1. Is the electronic document used in connection with the transaction of City business?
(This eliminates all e-mails not related to public business.)
2. Are there legal obligations associated with the e-mail?
3. Is the electronic document the official document (a draft of a letter vs. the letter itself)?
4. Is the content evidence of the functions, policies, final decisions, procedures or other business activities of the City?
5. Many e-mail messages become obsolete and do not reflect the functions, policies, decisions, or procedures when a matter is finalized. City Officials should use their discretion in determining whether to retain e-mails reflecting the development of a policy, decision or procedure. In some instances, the history may reflect important priorities, concerns or ideas that may provide future value. In other instances, the drafting process may reflect routine or technical comments that do not need to be preserved.
6. Is the attachment duplicative and retained in another location outside of e-mail?