

BOARDS  
AND  
COMMISSIONS  
MANUAL

AUGUST 2022



CITY OF  
ST. CHARLES

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ILLINOIS • 1834

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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 provides information about the City of St. Charles organization, its boards and commissions, including procedures and applicable laws, and the role of 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 purpose of the board/commission, and activities of the City.

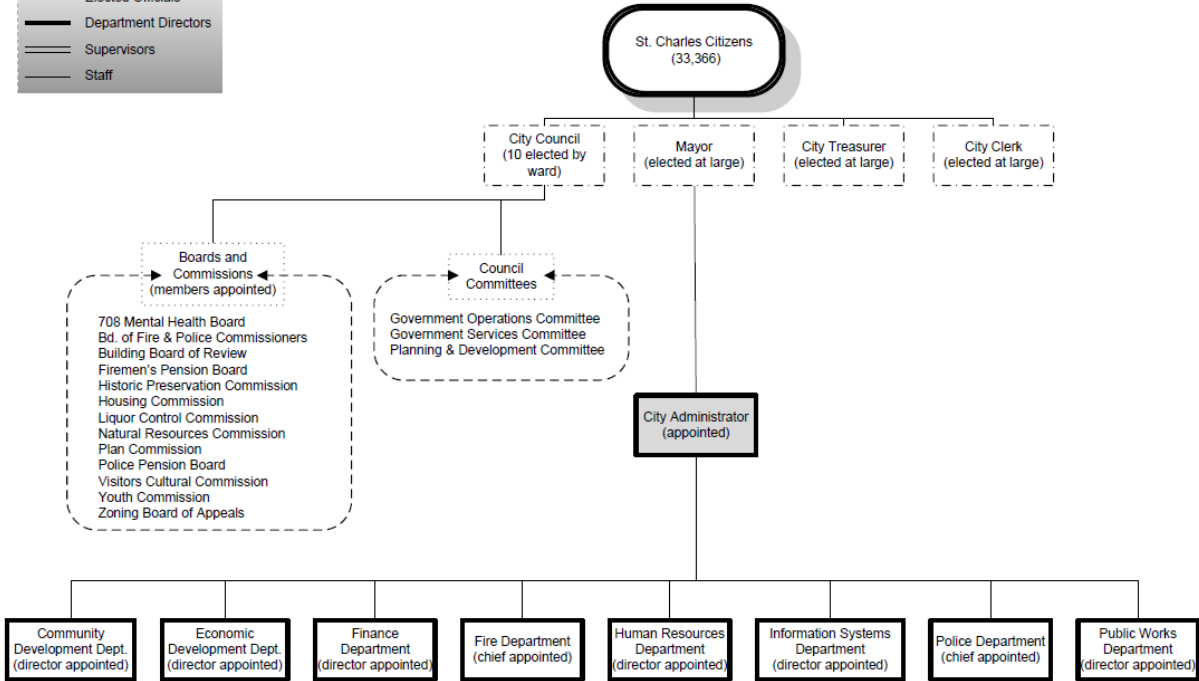
If you have questions, please contact the City at 630-377-4400 to speak with your board or commission staff liaison.

# ORGANIZATION CHART (CITYWIDE)

	<b>City of St. Charles, IL</b>	
	Citywide Organizational Chart	11/17/2021

**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

City Staff/Liaison Contact: [fd\\_admin\\_support@stcharlesil.gov](mailto:fd_admin_support@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c224>

### **Building Board of Review**

Number of Members: 5; Length of Term: 3 Years;

City Staff/Liaison Contact: [bceadm@stcharlesil.gov](mailto:bceadm@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c219>

### **Firemen's Pension Fund Board**

Number of Members: 5; Length of Term: 3 Years

City Staff/Liaison Contact: [fd\\_admin\\_support@stcharlesil.gov](mailto:fd_admin_support@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c220>

### **Historic Preservation Commission**

Number of Members: 7; Length of Term: 3 Years

City Staff/Liaison Contact: [cd@stcharlesil.gov](mailto:cd@stcharlesil.gov)

#### ***Intent and Purpose:***

- The Historic Preservation Commission reviews façade improvements and building permits for exterior work within the historic district and consults on projects for historic buildings.

#### ***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

City Primary Staff/Liaison Contact: [cd@stcharlesil.gov](mailto:cd@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/225-%E2%80%9393-housing-commission/225050>.

### **Local Liquor Control Commission**

Number of Members: 5; Length of Term: 4 Years

City Staff/Liaison Contact: [cityadmin@stcharlesil.gov](mailto:cityadmin@stcharlesil.gov)

#### ***Intent and Purpose:***

- The Liquor and Control Commission shall regulate liquor license activities.

#### ***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 a licensed establishment.

### **708 Mental Health Board**

Number of Members: 7; Length of Term: 4 Years

City Staff/Liaison Contact: [cityadmin@stcharlesil.gov](mailto:cityadmin@stcharlesil.gov)

#### ***Intent and Purpose:***

- The Community 708 Mental Health Board reviews requests for funding and makes recommendations to distribute funds collected from the Mental Health tax.

#### ***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 City Council. No member of the Board may be a full-time or part-time employee of the Illinois Department of Mental Health and Development 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.

### **Natural Resources Commission**

Number of Members: 11; Length of Terms: 5 Two-Year Terms and 6 Four-Year Terms  
Number of Student Members: 4; Length of Terms: minimum 1 school semester; maximum 2 years  
[students are appointed by the Commissioners]  
City Staff/Liaison Contact: [NRC@stcharlesil.gov](mailto:NRC@stcharlesil.gov)

#### ***Intent and Purpose:***

- The mission of the Natural Resources Commission is to work through a committed partnership with the community to conserve, preserve, protect and enhance the City's natural resources, and to raise awareness and make recommendations concerning environmental issues within the City of St. Charles.

### **Plan Commission**

Number of Members: 9; Length of Term: 4 Years  
City Staff/Liaison Contact: [cd@stcharlesil.gov](mailto:cd@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c228>

### **Police Pension Board**

Number of Members: 5; Length of Term: 2 Years  
City Staff/Liaison Contact: [bboyce@stcharlesil.gov](mailto:bboyce@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c222>

### **Visitors Cultural Commission**

Number of Members: 9; Length of Term: 3 Years  
City Staff/Liaison Contact: [VCC@stcharlesil.gov](mailto:VCC@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c229>

### **Youth Commission**

Number of Members: 10; Length of Term: 2 Years  
City Staff/Liaison Contact: [YC@stcharlesil.gov](mailto:YC@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c226>

### **Zoning Board of Appeals**

Number of Members: 7; Length of Term: 5 Years  
City Staff/Liaison Contact: [cd@stcharlesil.gov](mailto:cd@stcharlesil.gov)

#### ***Intent and Purpose:***

- <https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c218>

## MEETING SCHEDULE

<b>City Council</b>	<b>1<sup>st</sup> &amp; 3<sup>rd</sup> Monday of every month, 7:00 P.M., Council Chambers</b>
<b>Government Operations Committee</b>	<b>1<sup>st</sup> &amp; 3<sup>rd</sup> Monday of every month, 7:05 P.M., immediately following City Council Meeting, Council Chambers</b>
<b>Youth Commission</b>	<b>1<sup>st</sup> Monday of September through June (school year), 6:00 P.M. STC Police Department Conference Room, 1515 W. Main Street</b>
<b>Plan Commission</b>	<b>1<sup>st</sup> &amp; 3<sup>rd</sup> Tuesday following City Council meetings, 7:00 P.M. Council Chambers</b>
<b>Historic Preservation Commission</b>	<b>1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of every month, 7:00 P.M., Council Committee Room</b>
<b>Administrative Adjudication Hearing</b>	<b>1<sup>st</sup> Thursday of every month, as needed 7:00 P.M., Council Chambers</b>
<b>Administrative Adjudication Hearing - PD</b>	<b>3<sup>rd</sup> Thursday of every month, 7:00 P.M., Community Room, St. Charles Police Department, 1515 W. Main St.</b>
<b>Board of Fire &amp; Police Commissioners</b>	<b>2<sup>nd</sup> Monday of every month, 5:00 P.M., Fire Dept. Training Conference Room 2<sup>nd</sup> Floor, 112 N. Riverside Ave.</b>
<b>Planning &amp; Development Committee</b>	<b>2<sup>nd</sup> Monday of every month, 7:00 P.M., Council Chambers</b>
<b>Natural Resources Commission</b>	<b>2<sup>nd</sup> Thursday of every month, 7:00 P.M., Public Works Training Room</b>
<b>Liquor Control Commission</b>	<b>3<sup>rd</sup> Monday of every month, 4:30 P.M., Council Chambers</b>
<b>Housing Commission</b>	<b>2<sup>nd</sup> Thursday of every month, 7:00 P.M., Council Committee Room</b>
<b>Government Services Committee</b>	<b>4<sup>th</sup> Monday of every month, 7:00 P.M., Council Chambers</b>
<b>Zoning Board of Appeals</b>	<b>4<sup>th</sup> Thursday of every month, 7:00 P.M., Council Chambers</b>
<b>Tri-Com Board</b>	<b>2<sup>nd</sup> Wednesday of odd numbered months, 8:00 A.M., Tri-Com Facility, 3823 Karl Madsen Dr.</b>
<b>Foreign Fire Insurance Co. Tax Bd.</b>	<b>2<sup>nd</sup> Monday of even numbered months, 8:00 A.M., Fire Dept. Training Room, 2<sup>nd</sup> Floor, 112 N. Riverside Ave.</b>
<b>Firemen's Pension Fund Board</b>	<b>1<sup>st</sup> Wednesday of March, June, September, December, 8:00 A.M., Den A</b>
<b>Police Pension Board</b>	<b>1<sup>st</sup> Wednesday of March, June, September, December, 11:30 A.M., STC Police Department, 1515 W. Main Street</b>
<b>Tri-City Ambulance</b>	<b>2<sup>nd</sup> Friday of March, June, September, December, 8:30 A.M., City of Geneva Fire Department</b>
<b>Board of Health</b>	<b>Meets upon call of City Health Officer</b>
<b>Visitor's Cultural Commission</b>	<b>Meets upon call of Chairman</b>
<b>708 Mental Health Board</b>	<b>Meets upon call of Chairman</b>
<b>Comprehensive Plan Task Force Meeting</b>	<b>Meets upon call of Chairman</b>
<b>Building Board of Review</b>	<b>Meets upon call of Chairman</b>



## **OPEN MEETING ACT – BRIEF GUIDE**

The Illinois Open Meeting Act requires all meetings of state agencies, county and township boards, city councils and village boards of trustee to be open to the public, to attend either in-person or via remote access. In addition, all meetings of committee or subcommittees of the parent body and all boards and commissions must be held in public. The Attorney General has offered the opinion that the deliberations of certain governmental bodies acting in a quasi-judicial capacity at a public meeting must also take place in public. Examples of such bodies are a plan commission or zoning board of appeals.

Home rule units are also subject to the Act's requirements but may enact an ordinance that sets forth stricter requirements in order to give the public more notice and encourage greater public access to meetings. The Open Meetings Act makes the further requirement that all final action taken at an open session must be preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted.

For purposes of the Open Meetings Act, a "meeting" is any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business. The statute refers to a majority of a quorum rather than a quorum itself. Thus, three members of a village board or seven members of a city council gathered for the purpose of discussing public business constitute a sufficient number to invoke the provisions of the Act.

Furthermore, all meetings required to be public must be held at specified times and places that are convenient to the public. Also, any person may record the proceedings at meetings required to be open by the Act by tape, film or other means. The governmental body holding the meeting shall prescribe reasonable rules to govern the right to make such recordings. These rules should be written and duly adopted by the governmental body.

Public notice must be given for all meetings whether open or closed to the public. The notice requirements in the Open Meetings Act are in addition to, and not in substitution of, any other notice requirements established by law. A governmental body must also give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year, listing the times and places of such meetings.

**NOTE:** All newly elected officials must take the Open Meetings Act training, which is a self-driven multiple-choice Q&A test. An electronic certificate of completion is issued when done. This certificate can be handed in to the City Administrator's office and it will be given to Human Resources to be placed on file as record.

When you go to the link listed below, you must register first. When you're ready to start your training, make sure you click on the button for Open Meetings Act (OMA) **not** for Freedom of Information Act (FOIA). (The latter is not required.)

<http://foia.ilattorneygeneral.net/>

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

<b>Commission</b>	<b>Number of Members</b>	<b>Quorum</b>	<b>*Quorum Majority</b>
<i>*Any deliberation of public matters by this number or more Board/Commission Members, outside of a scheduled/noticed public meeting, is violation of the Open Meetings Act.</i>			
Board of Fire and Police Commissioners	5	3	3
Building Board of Review	5	3	3
Firemen's Pension Fund Board	5	3	3
Historic Preservation Commission	7	4	3
Housing Commission	9	5	3
Local Liquor Control Commission	5	3	3
Mental Health Board	7	4	3
Natural Resources Commission	11	6	4
Plan Commission	*9	*5	3
Police Pension Board	5	3	3
Visitors Cultural Commission	9	5	3
Youth Commission	10	6	4
Zoning Board of Appeals	7	4	3

\*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 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 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 has 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. 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, or any other outside party. Boards and commissions shall not make use of City letterhead of the City logo unless approved by the City.

#### **2. Conflict 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, judgement, 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 Boards of Appeals.

#### **3. Abuse of Power**

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

#### **4. Confidentiality**

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

### **Title 2 “Administration and Personnel” (Ordinance 20078-M-78)**

#### **Chapter 2.44 – Ethics Ordinance from the City Codebook**

<https://codebook.stcharlesil.gov/title-2-administration-and-personnel/c244>

## **BOARDS 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.

### **Roles 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 and commission meetings on time, and advise the staff liaison in advance if late or absent. Attendance is critical because it ensures that good discussions, decisions, and recommendations occur at the commission level. A commissioner should read all agenda packet materials prior to the meeting and be prepared to participate in board/commission discussions. Commissioners may be approached by residents or other parties, including media, to speak on behalf of the City. Commissioners should exercise care to avoid statements contrary to the general position of the City, and are advised to direct inquires to the board or commission chairperson, direct to staff liaison who is 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 responsibilities, including presiding over the board or commission and conducting its business in an orderly fashion. In addition, 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'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.

### **Roles 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 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. The City staff representative provides information as needed and clarifies City policy if there is uncertainty on an issue. 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 provides the City with draft minutes of board and commission meetings.

## **APPOINTED OFFICIALS GUIDELINES**

The following guidelines shall be used by commissions 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 to the following:

- Presiding at all meetings of the commission.
- Call special meetings of the commission, in accordance with the Illinois Open Meeting 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 Citizen/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 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 Robert's 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 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. See description in Boards & Commission Roles section, above.
- 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 include in 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 with 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 responsibility of staff involved 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 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 of 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 interest 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.

# CITY OF ST. CHARLES ANTI-HARRASSMENT POLICY

## ANTI-HARRASSMENT

The City strives to create a healthy work environment in which all employees and non-employees within the City's work environment are treated with dignity and respect. 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 or non-employees. It is the right of each individual employee to work in an environment free from harassment.

### **Prohibited Conduct**

This policy prohibits harassment or other workplace discrimination based on an individual's actual or perceived 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 actual or perceived 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 or between supervisors and their subordinate employees are strongly discouraged and may violate the City's personal relationships policy.

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/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.

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**

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.

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**

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**

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. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination.

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 or non-worker within the City's work environment is liable for his/her individual conduct.

## **Supervisor Responsibility**

Each supervisor is responsible for maintaining a workplace free from all forms of harassment and set an example for their employees. This is accomplished by promoting a professional environment and by dealing with harassment like any other form of employee misconduct.

Supervisors must act quickly and responsibly not only to minimize their own liability but also that of the City. Supervisors should inform their staff that such behavior is unacceptable. Supervisors are responsible for ensuring that all of their 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, appropriate disciplinary action, and observe strict confidentiality. Additionally, each supervisor must immediately report to the director of human resources any complaint or observation of conduct which may violate this policy. This also applies to cases where an employee tells the supervisor about behavior considered harassment but does not want to make a formal complaint. A supervisor's failure to make such a report may constitute a violation of this policy.

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

## **Complaints of Harassment**

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***

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 department director or his/her designee and the director human resources 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. The City's policy provides for immediate notice of problems to the City employees and officials listed above, so that problems may be addressed and resolved. Employees may, however, also file a charge of discrimination in writing with the Illinois Department of Human Rights (IDHR) within 300 days of the harassment and/or the Equal Employment Opportunity Commission (EEOC) within 300 days

### ***Policy Against Retaliation***

The City forbids that any employee treat any other employee or former employee or applicant adversely for making a good-faith complaint of harassment; assisting or cooperating in an investigation of a complaint by someone else, whether internally or with an external agency; filing a charge of discrimination or harassment; or otherwise providing information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws. Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. 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.

### ***False Complaints***

It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy are not furthered where a complaint is found to be false and frivolous and made to accomplish some other end than stopping harassment. 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. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven.

***Elected Official Complaint Process***

Because the City promotes civility and respectful interactions at all levels of the organization, it is critical that elected and appointed officials understand their responsibility to comply with this policy. Elected and appointed officials are also expected to treat each other in a manner consistent with this policy. Any elected or appointed official who believes they have experienced prohibited conduct by another elected or appointed official that is inconsistent with the City's policy against harassment may notify the human resources director. After receiving the complaint, the City will initiate an investigation through the use of an independent investigator experienced in investigating workplace harassment complaints.

## **FREEDOM OF INFORMATION ACT: 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 of City operations. A well-informed community will help the City to better serve their residents.

FOIA requests are required to be in writing. Requests can be submitted to the City by personal delivery, mail, fax or e-mail. Forms are available at City Reception and on the City's website at [www.stcharlesil.gov/foia](http://www.stcharlesil.gov/foia). There are two forms, one for requesting general information and one for Police Department records. Links are also provided for e-mailing requests directly to City staff.

The City will respond to a request within five business days as required by The Freedom of Information Act. The Act allows the response to be extended up to an additional five business days under certain circumstances. If an extension is required, the reason for the extension will be cited as allowed under Section 5 ILCS 140/3(e) of the Act.

Occasionally a request is denied in part or in full. The Freedom of Information Act exempts certain records from being released, for example requests for personal addresses, e-mail addresses or phone numbers; social security numbers; driver's license numbers; communications between a public body and attorney or auditor representing the public body that would not be subject to discovery in litigation and minutes of closed session meetings. The requestor has the right to appeal a denial within 60 days to the Attorney General's Office/Public Access Counselor.

Permission must be received from the Attorney General's Office/Public Access Counselor when invoking the following two exemptions under FOIA: Section 7(1)(c) personal privacy and Section 7(1)(f) preliminary drafts, notes, recommendation in which opinions are expressed or policies or actions are formulated, etc. The Public Access Counselor must be notified in writing of any intent to deny such records. If we disagree with their decision there is an appeal process.

The Illinois Attorney General's Office has developed information regarding the state's transparency laws – the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA). The office also provides educational tools regarding public records and public meetings. On this website (<http://foia.ilattorneygeneral.net/Training.aspx>), you will find detailed information to help the public and government officials and employees to understand and comply with FOIA and OMA. Although it is not mandatory, we encourage you to review this site to familiarize yourself with these laws.

There are four designated FOIA Officers at the City. General requests should be directed to Jackie Uhler. Police Department requests should be directed to Kim Schult.

### **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?