



AGENDA

President and Board of Trustees
Village of Arlington Heights
Committee-of-the-Whole
Community Room

33 S. Arlington Heights Road, Arlington Heights, IL 60005

August 27, 2018

7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF MEMBERS

IV. NEW BUSINESS

- A. Proposed Code Amendment for Truancy
- B. Review of Metropolis Theater Governance

V. OTHER BUSINESS

VI. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact David Robb, Disability Services Coordinator, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, (847)368-5793 (Voice), (847)368-5980 (Fax) or drobb@vah.com.



Item: Proposed Code Amendment for Truancy

Department: Village Manager's Office

Staff proposed an updated truancy ordinance to the Village Board at a COW meeting on July 16th. The ordinance calls for the granting of the authority to cite parents or any other adult who induces or attempts to induce any child to be absent from school, or who knowingly harbors a child who is absent from school. At the meeting, trustees raised some questions about how the truancy process currently works, what the current legal environment is for truancy in Illinois, and for information on each school district's truancy policies. Since that time, Staff provided the Board with additional materials was able to do additional research and reconfirm that the proposal is in compliance with State law, including Public Act 100-0810 which was signed last week, and is compatible and in support of each of the community's school district's policies. The superintendents from each of the four districts that have schools in Arlington Heights reviewed the proposed ordinance indicated their support as well.

As stated in previous correspondence, the citing of a parent would only be done as a last resort only after the school district has exhausted its process as mandated by State law and the Police Department has made every reasonable attempt to work with the family to get a child to attend school. Once cited, any penalty such as a fine or community service would be determined by the court system.

Staff believes that the proposed ordinance amendment will provide an effective last resort tool to be used in concert with the current efforts of the School Districts and Police Department to ensure Arlington Heights children are attending school as required by law.

Staff Recommendation: That the Committee-of-the-Whole recommend to the Village Board adoption of the proposed amendments to Section 8-524 of the Arlington Heights Municipal Code.

ATTACHMENTS:

Description

Proposed Amendments

Type

Ordinance

AN ORDINANCE AMENDING CHAPTER 8
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That Section 8-524, Truancy Prohibited, in Chapter 8, Public Safety, Morals and Welfare, of the Arlington Heights Municipal Code is hereby deleted in its entirety and substituted with the following (the language being deleted is stricken and the language being added is highlighted):

~~**Section 8-524 Truancy Prohibited.** It shall be unlawful for any person under the age of 18 enrolled in a public, private or parochial school within the corporate limits of the Village of Arlington Heights to absent himself or herself from attendance at school without parental permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and be subject to the penalties hereinafter set forth in this Chapter. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission for such absence has substantially been obtained from the parent and such permission is submitted in writing to the proper school authorities within 24 hours after such absence.~~

Section 8-524 Truancy Prohibited.

- a. It shall be unlawful for any person enrolled in grades 1 through 12 who:
 1. Is required by law to attend school; and/or
 2. Is subject to the compulsory attendance requirements of the Illinois School Code; and/or
 3. Is enrolled in a public, private or parochial school within the corporate limits of the Village, to absent himself or herself from attendance at school without parental or school permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy.
- b. It shall be unlawful for any person who induces or attempts to induce any child to be absent from school in violation of this Section, or who knowingly employs or harbors, while school is in session, any child absent from school in violation of this Section.
- c. No individual shall be cited under this Section until the school has fulfilled all of the steps required for truant students as set forth in applicable State law.
- d. Penalties for violations of this Section shall be in accordance with applicable State law.

SECTION TWO: The various provisions of this Ordinance are to be considered severable, and if any part or portion of this Ordinance shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION THREE: This Ordinance repeals all ordinances or parts of ordinances in conflict with the provisions hereof and, except as set forth in this Section, shall be in full force and affect from and after its passage, approval and publication in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this _____ day of _____, 201_.

Village President

ATTEST:

Village Clerk

CodeAmendments: 8 Truancy



Item: Review of Metropolis Theater Governance

Department: Village Manager's Office

Under the 2015 governance agreement between the Village and Performing Arts Metropolis, the parties were to review the effectiveness of the agreement within three years of formation of the new PAM board. A meeting recently took place between Mayor Hayes, Village Manager Recklaus, Board President Daday, and Executive Director Keefe. The Theater is performing well based on all indicators. However, a couple of issues have been identified that should be discussed. The issues identified in that meeting have been summarized below:

Summary of Metropolis Governance Review Discussion:

1. **Increase in PAM Board Size to nine-** The current Board consists of 7 members. 3 members, including the chair, are appointed to 3 year terms by the Mayor with the advice and consent of the Village Board. The remaining 4 members are appointed by the PAM Board. Based upon our discussion, we recommend an increase to 9 people to allow for more Board member involvement in committee work and allow the opportunity to get additional people involved. One new member would be appointed by the Village and the other would be appointed by the PAM Board.
1. **Flexibility on PAM Board Residency-** Currently, members of the PAM board appointed by the Mayor must be residents of Arlington Heights by practice, although this is not a requirement in the agreement. There are times when strict residency rules may eliminate potential board members who have experience in the theater business. Staff recommends that going forward the practice should be that Village appointed PAM Board members must be residents or have an "appropriate affiliation" with the theater. It is not necessary that this change be made to the agreement, but the current practice could reflect this change if the Board agrees. This could mean that they are local business owner/operator, they have strong background in the theater business, or other connection to the Metropolis Theater.
1. **Update to the Purchasing Policy for Unbudgeted Items-** Currently the Theater self-funds operations through contributions and ticket sales. Capital items and unexpected expenditures are paid for out of the "Restricted Contribution Reserve" and "Reserve for Replacement" funds. Currently the two funds operate in the following manner:

1. Restricted Contribution Reserve – In the fall of 2015 the Village established a restricted contribution reserve maintained by the Village in its A E & E Fund. This was done in lieu of increasing Metropolis’ annual operating contribution in order to provide additional funds for Metropolis to build a sufficient working cash balance. This reserve is funded through an annual \$52,000 (increasing by \$1,000 per year) allocation of A E & E Funds. This reserve can only be used for emergency or unusual operating expenses incurred by Metropolis. This reserve has only been used once – during 2017 for \$49,000 in extraordinary HVAC repair costs. As of December 31, 2017 the Restricted Contribution Reserve had a balance of \$70,500.
1. Reserve for Replacement – this reserve has been in place since 2008. It is funded through an annual \$75,000 allocation of A E & E Funds. This reserve is used for higher cost building/equipment typically in excess of \$5,000 and that have a useful life of at least two years. Long-term plans for these types of costs are laid out in the Village’s annual Capital Improvement Program. Any building/equipment asset purchased by Metropolis or for Metropolis through the Village’s A E & E Fund is a Village asset. As of December 31, 2017 the Reserve for Replacement had a balance of \$292,196.

Currently the Metropolis Budget is approved by the Village Board. Withdrawals of any amount from the restricted contribution reserve and withdrawals over the Village staff’s spending limit (currently \$25,000) from the reserve for replacement are subject to Village Board approval. If items are budgeted out of the Reserve for Replacement fund, and under the Staff’s spending limit, they do not require Village Board approval. Staff recommends a new rule that would allow unbudgeted items under the Village Staff spending limit to be paid for out of the Restricted Contribution Reserve with only administrative approval by the Village Manager and Finance Director. This process would mirror the Village’s own spending rules. Any such expenditure would be reported to the Village Board. This change could be reflected in the agreement.

Staff Recommendation: Staff recommends discussion of these changes at the August 27th COW meeting. If the Board agrees they may direct staff to update the PAM Governance Agreement to reflect these changes for approval at a Village Board meeting.

ATTACHMENTS:

Description

PAM Agreement

Type

Agreement

AGREEMENT

THIS AGREEMENT is made and entered into the ___ day of June 2015 by and between the Village of Arlington Heights, a municipal corporation, ("Village") and the Performing Arts at Metropolis ("PAM").

WHEREAS, the Village owns the Metropolis Theater and School of Performing Arts, located at 111 W. Campbell, Arlington Heights, Illinois (collectively referred to as the "Theater") and leases the Theater to PAM to operate the Theater; and

WHEREAS, the Village has subsidized the Theater since its creation, with funding coming from the Village's Arts, Entertainment, and Events Fund since 2005; and

WHEREAS, the Village recognizes that it is important to the Village to have the Theater located in its Downtown; and

WHEREAS, in order to ensure the PAM Board continues to execute responsible oversight of the operations of the Theater and fulfills its obligations as the authority with ultimate fiduciary responsibility,

NOW THEREFORE, in consideration of the foregoing premises, the mutual covenants and promises herein contained, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Village and PAM agree as follows:

SECTION ONE: This Agreement is intended to establish the parameters under which the Village may provide funding to PAM on an annual basis. It is understood that the Village's decision to provide funding in one fiscal year is not intended to be a commitment to provide any funding at all or funding at any level in a subsequent year. The determination as to whether to provide annual funding shall be made by the Village in its sole discretion.

SECTION TWO: The Village may provide two different types of funding. The first type is "operational funding", which will be disbursed on July 1 and October 1 of each year that such funding is budgeted. The amount of operational funding will be determined on an annual basis, as part of the Village's budget process, after receipt of a funding request from PAM.

The second type of funding is "reserve funding." If the Village decides to provide reserve funding, it will be in an amount determined annually by the Village, usually as part of the budget process. The reserve funding money will be deposited by the Village in an account owned by PAM with restricted access created specifically for this purpose ("Restricted Access Account"). If PAM seeks to use any of the funds in the Restricted Access Account, a request for such expenditure must be made in writing to the Village Manager, not less than 30 days prior to the desired withdrawal date. The request shall include an

explanation of why the funds are needed and what they will be used for. Within five days of receiving a request, the Village Manager will notify the Village Board of the request. The Restricted Access Account will be set up so that all withdrawals from the account require two signatures – specifically, the PAM President and the Village Manager.

SECTION THREE: If, at any time while this Agreement is in effect, PAM ceases to operate the Theater and/or dissolves its not-for-profit corporation, all money remaining in the Restricted Access Account shall immediately revert to the Village.

SECTION FOUR: This Agreement shall run for as long as the Village owns the Theater and PAM requests funding from the Village, commencing on the date set forth above.

SECTION FIVE: The Finance Department shall serve as the primary liaison between PAM and the Village for this Agreement. A member of the Finance Department, appointed by the Village Manager, shall serve as the Village liaison to the PAM Board.

SECTION SIX: As a condition for receiving funds, PAM will provide the Village liaison with the following reports on a monthly basis. Reports shall be provided within 25 days after the completion of each month. The Village liaison may request reports more frequently or additional reports and such reports shall be provided by PAM in a timely fashion. At a minimum, monthly reports shall include the following:

1. Balance Sheet
2. YTD Income Statement v. YTD Budget
3. Cash Flow Projection
4. Copy of Bank Statement/Bank Reconciliation Report
5. Accounts Payable Aging Summary
6. Accounts Receivable Summary
7. Check Register
8. Restricted funds report

Within 25 days after the completion of each quarter, PAM shall provide the Village with a memo describing its quarterly financial and operational results for distribution to the Village Board. The memo shall include a comparison of actual to budgeted monies, as well as information on all restricted funds.

SECTION SEVEN: PAM shall pay to the Village, on or before the 20th of each month, an amount equal to the CAM fee assessed by the Metropolis Commercial Condominium Association for the Theater. The Village will send PAM an invoice each month for the appropriate amount.

SECTION EIGHT: The parties agree that the Board of Directors of PAM is to be entirely reconstituted. The new PAM Board will consist of seven members,

no more than three of whom shall be individuals who are currently serving on the PAM Board. The Village will appoint three members to the PAM Board, one of whom shall serve as President. The terms of the three members shall be staggered, so that one member shall serve an initial one year term, one member shall serve an initial two year term, and the President shall serve an initial three year term. The Village shall have the opportunity to review PAM's new bylaws, prior to their adoption by the PAM Board, as well as all future amendments, to ensure compliance with this Agreement. No later than three years after the seven member PAM Board has taken office, the parties will review the operations to determine the effectiveness of the seven member board.

SECTION NINE: It is recognized that the handling of information related to Theater operations may require access to confidential information. Both parties agree to keep such information confidential, to the extent permitted by law.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

PERFORMING ARTS AT METROPOLIS

VILLAGE OF ARLINGTON HEIGHTS

President

Village President

Date

Date

ATTEST:

ATTEST:

Village Clerk

reward.Agreements.PAM Agreement