

**MINUTES
COMMITTEE-OF-THE-WHOLE
PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF ARLINGTON HEIGHTS
COMMUNITY ROOM
MONDAY, FEBRUARY 8, 2016 7:30 P.M.**

BOARD MEMBERS PRESENT: President Hayes; Trustees: Blackwood, Farwell, Glasgow, LaBedz, Rosenberg, Scaletta, Sidor and Tinaglia

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Randy Recklaus, Village Manager; Tom Kuehne, Director of Finance; Mary Ellen Juarez, Assistant Director of Finance; Paula Kereluk, Purchasing Coordinator; Robin Ward, In House Counsel; Eileen Hellstrom, Recording Secretary

SUBJECTS:

- A. Proposed Amendments to the Various Sections of the Arlington Heights Municipal Code
- B. Administrative Adjudication – Proposed Expansion

Other Business

Adjournment

President Hayes called the meeting to order at 7:30 PM. The Pledge of Allegiance was recited.

A. Proposed Amendments to the Various Sections of the Arlington Heights Municipal Code

Village Manager, Randy Recklaus, said Staff reviewed the Village Code to find areas that are out-of-date or warrant reconsideration. Staff has conducted a review and would like the Village Board to discuss some possible amendments. Some of these changes are clean-ups and some are more substantial.

Shown is each proposed change and the reason for the change. The Code language is in purple, with language to be added highlighted in yellow and language to be deleted shown by strikeout.

1. The first item relates to Village Board Meetings Section 2-204. It is proposed to move the "Report of the Village Manager" to earlier in the agenda, prior to Appointments and Petitions and Communications. This is just a preference and nothing legally required in terms of how you run the meeting. There are items similar to New Business placed under this category and it would make sense to move it to that part of the Agenda, after New Business. Additionally, the title of "Legal Ordinances and Resolutions" would be changed to "Legal" to match the actual agenda format that has been used for many years.

Section 2-204 Village Board Meetings. The following shall be the procedures for Village Board meetings:

a. Order of Business. The Order of Business to be observed at all meetings of the Village Board shall be as follows, except that a majority vote of all Trustees present may suspend the following order of business:

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call of Members
- IV. Approval of Minutes
- V. Accounts Payable
- VI. Recognitions and Presentations
- VII. Public Hearings
- VIII. Citizens to be Heard
- IX. Old Business
- X. Consent Agenda
- XI. Approval of Bids
- XII. New Business
- XIII. ~~Legal Ordinances and Resolutions~~
- XIV. Report of the Village Manager
- XV. Appointments
- XVI. Petitions and Communications
- ~~XVII. Report of the Village Manager~~
- XVII. Adjournment

Trustee Glasgow said he thinks this makes a lot of sense and always wondered why the Report of the Village Manager was at the very end.

Trustee Glasgow moved, seconded by Trustee Sidor, that the Committee-of-the-Whole recommend to the Village Board adoption of the proposed Code amendment 2-204; Village Board Meetings.

Upon a voice vote, the motion passed unanimously.

2. In the next section, Section 2-206, Village Board Rules of Procedure, there are a couple of changes to modernize the terminology of these rules. Rule #3 makes reference to a phrase of "on the journal of proceedings" and Staff felt this term was

not used anymore and could be deleted and in that same sentence "in the minutes" was added. Also a couple of small changes were made to modernize the terminology in Rules #3 and #4.

Section 2-206 Rules of Procedure. The following rules of procedure shall govern the conduct of all meetings of the Board of Trustees, although these rules, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the Trustees present at any meeting.

Rule 3. A roll call vote of yeas and nays shall be taken and recorded ~~on the journal of proceedings~~ in the minutes for all ordinances or propositions which create any liability against or obligation on the part of the Village or for the expenditure or appropriation of its money, and in all other instances where a request for a roll call vote therefor is made by any Trustee. This rule shall not apply to any items included in the Consent Agenda.

~~Rule 4. All resolutions and amendments shall be reduced to writing at the request of the President or any Trustee, and shall be handed to the Village Clerk who shall read them to the Board.~~

~~Rule 4 5. Standing and Special Committees, to whom references are made, shall in all cases issue written reports stating their findings and conclusions. in writing a statement of facts with their opinion. Special Committees may consider only such matters as are referred to them by vote of the Board of Trustees or by the Village President.~~

~~Rule 6. Any report to the Board shall be deferred, for final action thereon, to the next regular meeting of the Board after the report is made, upon the request of any two Trustees present.~~

Rule 6 8. When a question is before the Board, no motion shall be in order but the following: 1) to adjourn; 2) to lay on the table; 3) the previous question; 4) to postpone definitely; 5) to postpone to a certain time, and 6) to amend. These motions are privileged and have precedence in the order in which they succeed each other in this rule. Motions to adjourn, to lay on the table and for the previous question shall be decided without debate.

Rule 7 9. A motion to adjourn is always in order except: 1) when a member is in possession of the floor; 2) when the yeas and nays are being called; 3) when the members are voting; 4) when adjournment was the last preceding motion; or 5) when it has been decided that the previous question shall be taken.

~~Rule 10. All persons appearing before the Board shall make such appearances only in their own behalf or as a member of some civic, municipal, religious, business or neighborhood organization. All persons may also be represented before the Board by their attorneys.~~

Trustee Glasgow asked about Rule #4 and why all resolutions and amendments shall not be reduced to writing at the request of the President or any Trustee.

Robin Ward, In-House Counsel, replied that currently they are presented in writing and this rule was put in place back in the 1980's when making resolutions and amendments may not have been in writing. Everything that is done now is in writing.

Trustee Glasgow asked why Rule #6 is being deleted.

~~Rule 6. Any report to the Board shall be deferred, for final action thereon, to the next regular meeting of the Board after the report is made, upon the request of any two Trustees present.~~

Ms. Ward replied the Rule does not conform to current practice. Reports to the Board are not necessarily deferred for final action to the next regular meeting after the report is made - it depends on how the actions are taken and depends on the will of the Board in any circumstance.

Trustee Glasgow asked if, by deleting the part of Rule #6 that permits two Trustees to defer action, we are not retaining that right? He understands that sometime it is said to defer this until the next meeting which he does not have a problem with, he does not want to remove a right that the Board might have.

Ms. Ward said practice to date has always been that if there is a motion to defer a report, the Board would vote on this and the result is what the majority of the Board decides.

Trustee Glasgow asked what the reason was for initially putting Rule #6 into the code and the history as to why this was put into place.

Ms. Ward replied her guess was it probably went back to the 1960's, but she does not know why it was put into place.

Trustee Glasgow would prefer to keep Rule #6 in place and not delete it.

Trustee Glasgow asked why Rule #10 is being deleted.

~~Rule10. All persons appearing before the Board shall make such appearances only in their own behalf or as a member of some civic, municipal, religious, business or neighborhood organization. All persons may also be represented before the Board by their attorneys.~~

Ms. Ward replied that anybody has the right to speak in front of the Village Board for any reason.

Trustee Farwell asked that before removing Rule #10, Staff confirm that the rule which specifically states that anyone has the right to speak for three minutes is very clear that time cannot be given to other speakers.

Ms. Ward said she would look it up in the Code and make sure it is clearly stated.

Trustee Farwell said for Rule #6 he concurs with Trustee Glasgow. Just because it hasn't been used for a number of years, he doesn't want it removed. A Trustee has the right to use this as long as there is another Trustee in concurrence.

Ms. Ward replied if the Board would like keep this Rule, it would be up to the will of the Board.

Trustee Scaletta agrees that he would like to see Rule #6 remain. In regards to Rule #4, he wants to make sure when there is a lot of discussion about a motion, at the end we need the Village Clerk to read it back so everyone is on the same page.

~~Rule 4. All resolutions and amendments shall be reduced to writing at the request of the President or any Trustee, and shall be handed to the Village Clerk who shall read them to the Board.~~

Mr. Recklaus said it wasn't uncommon years ago when resolutions were passed verbally. Rule #4 reflected that but this is not done like that anymore.

Trustee Sidor wanted to clarify Rule #6 and where it says "by the request of any two Trustees present" not based on a motion or a vote, a Trustee can request a deferment and another Trustee can concur. This is the only time where the majority of the Board doesn't decide.

Ms. Ward replied that is correct.

Trustee Sidor said he does not want to keep Rule #6.

President Hayes asked what the definition is of "any report" in Rule #6. It is not necessarily a petition that comes before the Board.

Ms. Ward replied it would be anything reported and two Trustees decide they don't want to take action on it and can ask it to be deferred.

Mr. Recklaus suggested that Rule #6 be clarified. If Rule #6 is not deleted, the Board would clarify the meaning so the rules reflect what the Board would like.

President Hayes asked that "any report" be clarified.

Trustee Glasgow said Rule #6 reads that it can only be deferred to the next meeting.

Ms. Ward replied that two Trustees could defer something to the next meeting and at the next meeting, two Trustees could defer it again.

Trustee Tinaglia said for example, in the future, someone could have a position on something and to him the majority should be agreement and not two Trustees.

Ms. Ward said that is how it operates now, done by a motion and when the motion is made, the majority votes in favor if it is to be deferred. This accepts something significantly less than the majority.

Trustee Blackwood said that is why it is being deleted because it states two Trustees whereas right now the practice is the majority of the Board. She agrees with the majority, not with only two Trustees in agreement.

Trustee LaBedz said that if the Board would make a motion to defer something, she agrees and prefers to have the majority of the Board members voting for it to be deferred.

Trustee Farwell said Rule #6 needs to be clarified when it states "any report to the Board." There have been recent times when not all information was understood by the Board or received, and the majority might want to defer an item before they vote. He can see that an old business item should not have this authority but with a new business item it should only be deferred once. He is in favor of the will of the Board and he thinks a tool like this is helpful. This is not used often, but he doesn't feel just because it hasn't been used very much that it should be deleted.

Trustee Scaletta is in favor of striking Rule #6 and is more in favor of the will of the Board. His concern is he has seen things going on in other municipalities where it can get out of control and his concern is that two Trustees might hold the Board hostage over an issue. He is not sure if this is what Rule #6 is about and he would like more information on this. He is fearful by leaving this in the Code it could create problems for future Boards.

President Hayes agrees for reasons that Trustee Scaletta just indicated and he would like to strike Rule #6 from the Code.

Trustee Glasgow said what he is hearing is that the wording in Rule #6 of "two Trustees" is creating the problem. He would suggest changing the rule from two to four Trustees and that it can only be deferred for one meeting.

Trustee Farwell concurs with Trustee Glasgow and thinks that would be a nice middle of the road idea.

Trustee LaBedz said she is not in agreement with deferring only once. She realizes it could be a problem deferring multiple times, but she can see a potential issue come up when the Board might want to defer more than once because there is more work that needs to be done or more information is required.

Trustee Scaletta said he agrees that four Trustees would be good since it is significantly more than two.

Trustee Sidor said this rule needs to be defined better and he agrees with the Mayor that if we don't have enough information we should not rush this.

Ms. Ward responded that the Board has to decide what they want this rule to be. The first thing to decide is whether the majority of the Board wants to leave it in the code in its entirety.

Trustee LaBedz moved, seconded by Trustee Scaletta, that the Committee-of-the-Whole recommend to the Village Board adoption of the proposed Code amendment to Section 2-206 Village Board Rules of Procedure.

Ayes: Trustees Blackwood, LaBedz, Rosenberg, Scaletta, Sidor, Tinaglia and President Hayes

Nays: Trustees Farwell, Glasgow

The motion passed.

3. Mr. Recklaus talked about the next Section 3-102, Powers and Duties, and said this is something that was found to be out of the norm. The authority that Staff has for expenditures is at \$10,000. In 2005, State law changed to \$20,000 and most towns mirror state law but the Village did not. The Village surveyed 73 municipalities throughout Illinois for their formal bid purchasing authority, and 73 percent of those have the purchasing authority of \$20,000 or higher. He said 17% of the approvals the Board makes are in the \$10,000-\$20,000 range, but that is less than 2% of the money spent.

Section 3-102 Powers and Duties. The powers and duties of the Manager shall be:

g. Make Purchases for Departments; Board Approval. To make all necessary purchases of supplies and equipment for all departments in the Village and for that purpose the Manager is authorized to make expenditures of ~~\$10,000~~ \$20,000 or less without preliminary authorization by the Board; provided, however, that all expenditures and payments, regardless of amounts, shall be subject to approval by the Board of Trustees.

Tom Kuehne, Director of Finance, said this is being practiced, according to State statute, by most communities in our area and especially the larger communities like Arlington Heights. We were interested in doing this back in 2005 and brought it up to the prior Mayor and she was not interested in pursuing it so it was not changed at that time. When Village Manager Recklaus came to the Village he questioned this since he came from a smaller community that already has this limit. Staff wanted to bring this up again.

Trustee Rosenberg said one of his concerns was to make sure the internal controls were in place to cover this and asked if Mr. Kuehne could tell the rest of the Board what the procedure is currently.

Mr. Kuehne explained that currently they have Field Purchase Orders (FPO) for items that are \$2000 and under. Directors can approve these FPO's but he has to sign everything as well as the department director. Paula Kereluk, Purchasing Coordinator, also looks at all FPO's.

Purchase Orders (P.O) used for purchases above the \$2,000 limit require three informal bids if possible. At this point, the director of the requesting department, Finance Director, Purchasing Coordinator and the Village Manager are involved for items between \$2001 and \$10,000. Anything over \$10,000 comes to the Board to go through a formal process.

Administratively, if the Board would decide to say yes going from \$10,000 to \$20,000 on the formal bid limit, they would recommend that the P.O. limit go from \$2000 to \$5000. The approvals would be the same and the Village Manager would approve everything from \$5000 on up.

Trustee Rosenberg said one of the thoughts he had was to create some kind of report that could be presented to the Board on anything between \$10,000 and \$20,000 stating these are the items that have been approved so the Board is aware of the expenditures being made.

Mr. Kuehne replied that could be done.

Mr. Recklaus said this is a big change and Staff is more than happy to work with the Board on something such as a report.

Trustee Rosenberg replied that we are a large organization with great internal controls in place and the level of purchasing doesn't need to be micro-managed.

Mr. Kuehne said he could report the expenditures monthly in the Finance Report.

Trustee Rosenberg replied that he would prefer it as a separate report so it would be easier to look at.

Trustee Scaletta asked if these changes would save time.

Mr. Kuehne replied it would save time with the purchasing process for items that cost between \$10,000 and \$20,000. Currently, these have to go out for a formal bid process which takes longer since you have to advertise, wait for all the bids in writing and then go to the Board for approval.

Trustee Scaletta talked about when it comes to the Board, it's generally on the consent agenda. This helps him understand the overall budget and he likes to see the items. He is wondering if this efficiency is worth losing all the approval process. Also, he is not in favor of changing the Director's approval from \$2000 to \$5000. He thinks that seems high and \$2000 is sufficient.

Mr. Recklaus said the bigger issue is not to have to go through the formal bidding process. Just looking at the value of money, Staff is spending more time on a smaller number of items recognizing that \$10,000 is not worth what it was in 1989 and you get a lot less for this amount of money.

Trustee Scaletta asked if the approval process can be explained and where this would change.

Mr. Recklaus explained it essentially would be quotes vs. bids.

Mr. Kuehne said you can get bids over the phone and document them, which is the informal bid process, or get formal written quotes that Staff would bring to the Board.

Trustee Scaletta said wouldn't the Staff want to go out to bid for a service that is over \$10,000 and not take quotes over the phone.

Ms. Kereluk, Purchasing Coordinator said Staff did ask for bids on a service over \$10,000 and they only received only one response.

Ms. Kereluk said if the approval process is changed, Staff would get three formal quotes for any services or product needed that cost between \$5000 and \$20,000. This can be done via email or in a written proposal, something that can be reviewed in writing.

Trustee Scaletta reiterated that it might start out as a phone call but it would end up in writing. He wants to make sure procedures are not changed that would take away the transparency that the Board has worked so hard to accomplish.

Mr. Recklaus replied that the internal controls are strong and the process for the higher level items is more formal. Some of the vendors the Village deals with also deal with other municipalities and most do not have a formal bidding process for something less than \$20,000. This might discourage some vendors from doing business with the Village.

Ms. Kereluk said she wanted to add that the Village has a high level of checks and balances and things that are over \$10,000 are items that never had to go out to bid before because the cost of these items have gone up in price.

Trustee Farwell talked about two procedures changing, how Staff are getting quotes, and if it's between \$10,000 and \$20,000, this would no longer be on the consent agenda.

Trustee Farwell said the more important issue is the authority in which to spend the money. He said he is not talking about this administration and Board, but looking at a set of rules that might change that would govern future administration and Board replacements years from now. The degree of checks and balances right now work so well. He doesn't think this would be ideal to relax some of the rules that govern

the purchases. To go from \$2000 to \$5000 is an increase of two and a half times the amount for a director to fund the money. To double the amount from \$10,000 to \$20,000 would be a big increase. He agrees with Trustee Scaletta that the Board has worked very hard at transparency and he thinks this would be a step back and he is not in favor of this.

Trustee Sidor concurs with Trustee Rosenberg about some type of report the Board can review, but instead of a report, maybe these items can be highlighted on the warrant register the Board sees every other week, so they can be more visible.

Ms. Juarez, Assistant Finance Director, replied that would be difficult since one invoice could hit a number of accounts and different departments could pay some of the charges for one invoice.

Trustee Sidor said he would like a report every two weeks with the items listed so the Board can see the purchases or trend in purchases.

Trustee Sidor asked if this is considered best practice as far as purchasing is concerned in municipalities and the State since other municipalities are using the higher dollar amount of \$20,000.

Mr. Recklaus replied it is the reflection of an increase due to inflation. The vast majority of municipalities increased their limit of \$10,000 to \$20,000 following the State statute.

Trustee Sidor said he is ok with the increase going from \$10,000 to \$20,000 but not on the director's approval level going from \$2000 to \$5000.

Trustee Glasgow asked if directors can spend more than the amount budgeted on any given year.

Mr. Kuehne replied that there are budget controls in place. There would have to be a budget amendment approved by the Village Manager up to \$10,000 and anything above this would have to be approved by the Board.

Trustee Glasgow asked where the extra money would come from.

Mr. Kuehne said it would come out of the fund balance and would be reported to the Board in a memo.

Trustee Glasgow confirmed that there would be a paper trail of where the money came from and where it went. He asked how expenses would be tracked above \$10,000 to \$20,000?

Mr. Kuehne replied this would go through the regular budget control process same as it is done now with the \$10,000.

Trustee Glasgow asked at what point the Board would see these expenditures over \$10,000.

Mr. Kuehne responded they would see anything over \$20,000.

Trustee Glasgow asked how the Board would see anything under \$20,000.

Mr. Recklaus replied the warrant register.

Mr. Kuehne said on the warrant register you see everything from \$0 on up. Staff is open to doing any kind of report the Board would like.

Trustee Glasgow wanted to show that there is a paper trail as it is right now and if it is moved to \$20,000 this would also be the case.

Trustee Glasgow said at first he was concerned about the transparency issue as well, but the suggestion Trustee Rosenberg made about a report is a good one and a nice compromise. He would like to see these expenditures. He asked when was the last time the dollar amount was raised.

Ms. Ward said in 1989 the amount went from \$5000 to \$10,000 in the State statute and the Village followed. In 2005, the State statute went from \$10,000 to \$20,000 but the Village did not.

Mr. Recklaus mentioned if you follow inflation from 1989 to the present, \$10,000 is now \$18,929.

Trustee Glasgow has a great deal of trust in the auditor's report and the Village Manager and Staff, and would be in favor of increasing the amount from \$10,000 to \$20,000 if Staff can make sure the line items are put into a report and included in the Trustee's packets.

Trustee Blackwood said she compares this to running a company the size of the Village with a budget the size of the Village and \$20,000 is at a management or divisional head level of approval and she has no problem with the increase of \$10,000 to \$20,000 at all.

Trustee LaBedz said she also has no problem with this increase. She had not thought about the possibility of some vendors not wanting to bid on something between \$10,000 and \$20,000 and this should be a consideration. She sees her co-workers go through a formal bid process and it is quite time consuming. This is already money that is budgeted and she is comfortable with this. She agrees with Trustee Blackwood that you have to think of the Village as a large corporation.

Trustee LaBedz said in regards to the increase of \$2000 to \$5000 for the director's approval process she would be interested in seeing a list of expenses before there is further discussion.

Mr. Recklaus replied that, while the level of a Department Level's approval is an internal staff decision, he wants to have a policy that reflects the Boards values and

understands and appreciates their feedback. He said he would re-evaluate the proposed level of Department Director approval and provide the Board with more information on the adjustment in next week's Board packet.

Trustee Farwell believes that Trustee Rosenberg's suggestion of a report is a good one and this helps him with the increase from \$10,000 to \$20,000 and provides checks and balances. He was going to vote no if it was the intent of administration to also go from \$2000 to \$5000 for department director's approval process. If this not the intent at this time, he could consider the increase of \$10,000 to \$20,000.

Trustee Scaletta moved, seconded by Trustee LaBedz, that the Committee-of-the-Whole recommend to the Village Board adoption of the proposed amendment to Section 3-102 Village Board Rules of Procedure.

President Hayes agrees with the recommendation and motion. He does not think this is relinquishing any control or change in philosophy or approach and it's just an adjustment for inflation.

Trustee Rosenberg wanted to assume that the approval is on the condition of the report.

President Hayes replied yes and he thinks it should be a separate report in the packet on a monthly basis.

Mr. Recklaus said it can be a monthly report and if there are no items to report, the monthly report will reflect that.

Upon a voice vote, the motion passed unanimously.

4. The next section, Section 8-202 Facilitating the Use of Alcoholic Beverages by Underage Persons at Residential Premises, relates to fines for use of alcoholic beverages by underage persons at residential premises, such as parties at their home. The Police Department requested that the fine be increased since Buffalo Grove just increased theirs to \$2000. Our Village has a current fine of not less than \$5 nor more than \$750. Staff would like to propose an increase from \$750 to \$5000. This would go to court and give the judge the ability to give a higher fine. This raises the ceiling and increases the deterrence factor.

Section 8-202 Facilitating the Use of Alcoholic Beverages by Underage Persons at Residential Premises.

- a. It shall be unlawful to deliver any alcoholic beverage to any underage person.
- b. It shall be unlawful for any person to permit, on premises under his or her control, the consumption of an alcoholic beverage by an underage person. Any person in control of a premises shall be strictly liable for the consumption of an alcoholic beverage by an underage person on that premises.
- c. Paragraphs a. and b. above shall not apply in the following circumstances:
 1. the performance of a bona fide religious service;

2. the delivery of an alcoholic beverage to an underage person, by that person's parent, within the home and under the direct supervision of the parent. However, the following rule shall be applied to this Subsection:
 - a) in any prosecution of an underage person for the commission of any State or local offense, the prosecutor, upon reasonable grounds, may request a ruling and the court shall rule as to whether the consumption of an alcoholic beverage as permitted by the parent was a contributing factor in the commission of the offense. If it is so determined in the affirmative, then the penalty set forth in this Article shall apply.
- d. Any person violating any of the provisions of this Section shall be subject to the following mandatory penalties:
 1. a fine not less than \$5 nor more than \$5,000 \$750; and
 2. community service, not less than seven days nor more than 30 days, to be served by the minor and one of his or her parents or the person in control of the premises; and
 3. either evaluation of the minor to be conducted by the Central States Institute of Addiction and attendance at classes based on that evaluation or attendance at the Alcohol/Drug Education Deferred Prosecution Program of the Third Municipal District.
- e. In addition to the penalties listed in Subsection d. above, any person violating the provisions of this Section may be imprisoned for a period not to exceed six months.

President Hayes said he was chairman on the task force that helped create this ordinance in the 1990's and he remembers talking about the amount of the fine at that time and since then it hasn't changed. He thinks this is an appropriate time to make changes. He asked if there has been an increase in underage parties.

Ms. Ward replied no and her conversations with Police were that they wanted to take care of this before we get to spring and summer to discourage underage parties.

Trustee Glasgow asked why the minimum fine was only \$5. He thinks \$5 gives too much discretion to a judge and does not present a deterrent. He does not have any objections to raising the fine but he thinks the \$5 fine should also be raised to make an impact. He thinks it should be a minimum of \$1000.

Mr. Recklaus said he doesn't think Staff has any objection to raising the minimum which makes a lot of sense.

Ms. Ward said most Villages do the same as what we do currently, \$5-\$750 range. Her concern about the \$1000 is that a judge may be unwilling to fine them \$1000 and would not fine them at all.

Trustee Glasgow said that is incorrect. If they see a minimum fine they will absolutely impose the minimum fine.

Mr. Recklaus said before this item goes to the Board for final approval, Staff can do some research on what other municipalities have for the minimum fine.

Trustee Glasgow replied that you have to have it high enough to be a deterrent. The result of some of these underage parties can be catastrophic.

President Hayes said Staff has to be careful that the minimum amount is not excessive.

Trustee Scaletta said he thinks a \$1000 fine as the minimum for a party that occurred in a parent's home when the parents were unaware is high.

Trustee Sidor believes that a higher maximum serves as a deterrent but a higher minimum always serves as a better deterrent. He is fine with anywhere between \$500 and \$1000 as a minimum deterrent.

Trustee Tinaglia agrees with Trustee Sidor and Trustee Glasgow that \$5 as a minimum is too low.

Trustee Glasgow said State statute minimum is \$500.

Trustee Tinaglia replied if the State statute is \$500 then that's what it should be.

Trustee Rosenberg suggested doing research with other communities on the minimum and the maximum fines to compare what they have to what the Village has currently and discuss this again at a later time.

Mr. Recklaus said Staff can do a survey on the minimum and maximum fines and put together a memo on this and if the Board wants to discuss this further it can be done at another Committee-of-the-Whole.

President Hayes recommended bringing it back to the Committee-of-the-Whole for further discussion.

5. Next section is Section 12-1010 Notice Regulating Soliciting and Peddling. This change is saying that notices are available throughout Village Hall instead of only at the Village Clerk's Office.

Section 12-1010 Notice Regulating Soliciting and Peddling. Notice of the determination of the occupant's refusal of invitation to any solicitors or peddlers shall be given in the following manner:

A weatherproof card, at least three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence containing words such as those set forth below:

NO SOLICITORS OR PEDDLERS

The letters shall be at least one-third inch in height. Cards are available throughout Village Hall from the Village Clerk's office at no cost. A card exhibited at a residence shall constitute sufficient notice to any solicitor or peddler of the occupant's refusal to allow solicitors or peddlers.

Trustee Scaletta moved, seconded by Trustee Farwell, that the Committee-of-the-Whole recommend to the Village Board adoption of the proposed Code amendment to Section 12-1010, Notice Regulating Soliciting and Peddling.

Upon a voice vote, the motion passed unanimously.

6. Next discussion is 13-501 Classification and 13-503 Hours of Operation of Liquor Licenses. This change is to eliminate remaining references to a Class "F" liquor license that was created in 1977 for Arlington Park. Since then the Track started receiving Class A licenses. There are only two remaining references to that classification.

Section 13-501 Classification. Licenses issued hereunder shall be divided into one of the following classes (reletter subsequent sections):

j. ~~Class "F" licenses which shall authorize the retail sale on the premises specified of alcoholic liquor only for consumption on the premises where sold. Such license may be issued and retained only for premises which are utilized for a total of at least 150 dates per year for outdoor commercial sporting events of which at least 50 such dates are for night time outdoor commercial sporting events.~~

~~The annual fee for such license shall be \$200,000; provided, however, that in the event more than 84 night commercial sporting events take place on the premises, there shall be an additional charge of \$3,000 for each additional night; and further provided that in the event less than 60 events per year take place at night on the premises, there shall be a reduction in the amount of \$3,000 for each night less than 60 during which commercial sporting events take place. In the event that there are existing liquor licenses issued for the premises, those licenses shall remain in effect in the same manner as if a Class "F" license had not been issued. Only one such Class "F" license shall be in force at any one time.~~

Section 13-503 Hours of Operation

On the mornings July 4, Memorial Day, Labor Day and Thanksgiving, the sale of alcoholic beverages is permitted as follows:

Class A - 1 AM	Class DD - 2 AM
Class AA - 2 AM	Class E - 1 AM
Class AA Adjunct - 3 AM	Class G - 2 AM

Class B - 2 AM	Class I - 1 AM
Class BB - 2 AM	Daily - Not for Profit - 30 Minutes Before Closing
Class C - 2 AM	Daily - Special - 30 Minutes Before Closing

On the morning of January 1, the sale of alcoholic beverages is permitted as follows:

Class A - 2 AM	Class DD - 2 AM
Class AA - 2 AM	Class F - 1 AM
Class AA Adjunct - 3 AM	Class G - 2 AM
Class B - 2 AM	Class I - 2 AM
Class BB - 2 AM	Daily - Not-for-Profit - 30 Minutes Before Closing
Class C - 2 AM	Daily - Special - 30 Minutes Before Closing

Trustee Scaletta moved, seconded by Trustee LaBedz, that the Committee-of-the-Whole recommend to the Village Board adoption of the proposed Code amendment to Sections 13-501 and 13-503, Liquor Classification and Hours of Operation.

Upon a voice vote, the motion passed unanimously.

7. Next discussion is Section 19-101a Definitions, Approved Solid Waste Container. This change is just to add landscape waste carts to the list of approved solid waste containers since the new contract with Groot permits the use of such carts.

Section 19-101 Definitions. Unless otherwise expressly stated, the following words or terms, for the purposes of this Article, shall have the meanings indicated in this Section.

- a. Approved Solid Waste Container. Garbage carts, landscape waste carts, recycling carts and recycling bins, as provided by the Village's solid waste contractor.

Trustee Scaletta moved, seconded by Trustee Farwell, that the Committee-of-the-Whole recommend to the Village Board adoption of the proposed amendment to Section 19-101a, Definitions, Approved Solid Waste Container.

Upon a voice vote, the motion passed unanimously.

B. Administrative Adjudication – Proposed Expansion

Mr. Recklaus said the Adjudication process was being reviewed with the possibility of expanding the process to cover other types of violations. Right now it is used essentially for parking issues. When code violations are brought to court, the Village is finding out that this is not a priority of the court system. The court system is very busy and these violations are low on the priority list. This was discussed with all the

directors involved, Police, and Village Prosecutor and they agree to expand Administrative Adjudication for a number of other offenses.
(See Attachment A)

Staff would also like to have a formal process for selecting a hearing officer by sending out a Request for Proposal for possible expansion. It is never the goal of this process to make money. Staff thinks by expanding this process the offenders would save money and have an easier time than going to court and could go on a Saturday and not take off of work. They want to make sure the fines are sufficient to deter other offenses. The Village will always retain the discretion to send a case to court. This would not include criminal acts or anything of that nature.

Staff is looking for direction as to whether the Board is interested in expanding the Administrative Adjudication process at this time. Before the expansion could actually take place, the Village Code would need to be amended.

President Hayes receives complaints from people that have received tickets that felt they were not warranted or were not happy with the Administrative Adjudication hearing process because they thought this was a money making process. The Village is not in the business of making money through parking tickets or moving violation tickets.

Mr. Recklaus said that the Village actually loses \$5 off of a traffic ticket. This is done purely as a public service and is a cost to the Village.
President Hayes asked Mr. Recklaus if the current Hearing Officer would be trained to take care of the additional violations other than traffic violations.

Mr. Recklaus replied that this has become an industry in itself and there are Hearing Officers that do this for other communities and he would like to do a Request for Proposal and interview people based on their experience and philosophy. He is confident the Village can find a qualified Hearing Officer.

Trustee Scaletta agrees that the criminal offenses should go before a judge and not Administrative Adjudication. There are other violations on the list that make sense to be heard by a Hearing Officer. He is not so sure about some of the general offenses such as General Offenses against Morals.

Ms. Ward replied that the suggestions to be heard at Administrative Adjudication came from the Police Department and this includes some lower level retail theft offenses in which the Police currently write a local ordinance ticket. These would normally go to court but the court system doesn't have the time to deal with local ordinance violations. In any case, it is up to the Officer's discretion as to whether they would issue a local ordinance ticket or something more serious that would take them to court. Every single retail theft case would not go to Adjudication - it would depend upon the circumstance.

Trustee Scaletta asked if the list of potential offenses can be narrowed down to non-criminal acts.

Ms. Ward said the current list is all non-criminal acts - you can't use Adjudication for criminal acts. For a retail theft of a \$5 item, a Police Officer would not necessarily write a criminal citation - they can write the ticket as a local ordinance violation.

Mr. Recklaus said he is not looking for final approval today but wants to know if the Board is interested in expanding this program. Staff can do more work and define some of these offenses further. The Board may not want the General Offenses category to expand into Administrative Adjudication.

Trustee Glasgow said there are two different levels of tickets a Police Officer can write someone. He can write a ticket that goes to criminal court where you can receive a jail sentence. Or, the second way an Officer can write a ticket is with regard to a local ordinance violation and this would end up with a fine. He said the Nuisance Violations and Property Maintenance Violations are a great way to expand the Adjudication. But the General Offenses such as Retail Theft, General Drug Offences, General Offenses against Morals - these are violations that people perceive as crimes. He is not sure having a Hearing Officer hear these violations is the best idea. Some of the General Offenses such as E-Cigarette Sales to a Minor or Truancy would be a perfect violation for Adjudication whereas Retail Theft or a General Drug Offense may not. A Hearing Officer doesn't have the same authority as a Judge to impose certain restrictions on the person such as a drug treatment. He thinks ultimately the Adjudication is a good idea. From a policy perspective the Village has limitations on what can be heard, they can't hear any moving violations, nothing under the uniform traffic code for the reason of uniformity. The same thing applies to criminal offenses. The person needs to feel that they have been given their day in court no matter what the offence. He would be in favor of the Nuisance Violations and Property Maintenance Violations but the General Offenses need to be reviewed.

Trustee Tinaglia agrees with Trustee Glasgow. He wanted to ask about the \$5 cost to the Village for a speeding ticket and asked how that can be fixed.

Trustee Glasgow replied the unfortunate thing is you have court costs and fees.

Ms. Ward said the difference between Adjudication and Court is that in the Adjudication process the author of the ticket is not present so you don't have that cost. When it is a moving violation the Officers are in Court.

Trustee Tinaglia said if Adjudication helps change the fact that it costs the Village \$5 for every ticket he would be in favor of this. Getting a ticket should not cost the Village anything - it should only cost the person in violation.

Ms. Ward said in the past more of the fines came back to the Village but the costs have increased so the amount the Village gets from the Court is significantly less.

Mr. Recklaus said what he is hearing is the Board is in favor of looking at expanding

Adjudication but want Staff to do more research on General Offenses.

Trustee Rosenberg asked if an offender went before the Hearing Officer and they are fined, do they pay right then.

Ms. Ward replied yes.

President Hayes asked in regards to the Adjudication process if someone schedules a hearing and does not show up is a fine assessed.

Ms. Ward replied yes the Hearing Officer would fine them if they did not show up and they would get a determination in the mail.

Ms. Ward said the key to the Adjudication process is that there are two different types of tickets. It depends on which ticket is given whether they are sent to the Adjudication process or to court. The Village retains that discretion.

Other Business

None

Adjournment

Trustee Scaletta moved, seconded by Trustee Farwell to adjourn the meeting at 9:15 p.m. Upon a voice vote, the motion passed unanimously.

POTENTIAL ADDITIONAL OFFENSES FOR ADMINISTRATIVE ADJUDICATION

The list below is not exhaustive – it lists the kinds of offenses or violations that may be subject to adjudication:

General Offenses:

- Retail Theft
- Intoxication
- Underage Consumption/Possession of Alcohol
- General Drug Offenses
- Noise
- Curfew
- Violations at schools located in the Village
- General Offenses Against Property
- General Offenses Against Public Peace and Safety
- General Offenses Against Morals
- Gambling Offenses
- Tobacco Sales to a Minor
- E-Cigarette Sales to a Minor
- Smoking in Public Places
- Failure to Pay Prepared Food and Liquor Tax

Nuisance Violations:

- Garbage Storage or Put Out Too Early
- Cars on Driveways without Current Registration/Expired Plates
- Cars/Recreational vehicles Parked On Lawn or Gravel
- Tall Grass and Weeds
- Address Numbers Not Posted
- Illegal Storage/Nuisances
- Health Sanitation

Property Maintenance Violations on Various Types Of Property:

- Residential Exterior Property
- Rental Property Interior and Exterior Violations
- Commercial/Industrial Exterior and Interior
- Landscape Plan Maintenance
- Cutting Down a Parkway Tree without Prior Village Approval
- Failing To Remove Dead Trees from Property
- Fire Prevention Housekeeping
- Garbage Dumpster Storage
- Garbage Enclosure
- Certificate of Occupancy
- Business License
- Illegal Signs
- General Zoning Code Violations
- Building, Plumbing, Electrical, Mechanical, etc. Violations Relating to a Permit
- Drainage