

VILLAGE OF BARTLETT

COMMITTEE AGENDA

APRIL 18, 2017

PLANNING & ZONING

1. Alden Estates of Bartlett
2. Administrative Site Plan Review-Text Amendment

FINANCE & GOLF

1. Cook County Minimum Wage
2. Cook County Earned Sick Leave

LICENSE & ORDINANCE

1. Bartlett Municipal Code – Appointment Amendment

PUBLIC WORKS

1. Metra Platform Discussion



Agenda Item Executive Summary

Item Name Alden Estates of Bartlett Committee or Board Committee

BUDGET IMPACT

Amount: N/A Budgeted N/A
List what fund N/A

EXECUTIVE SUMMARY

The Petitioner is requesting a Preliminary/Final PUD Plan for the Alden Estates of Bartlett on Lot 2 of the Artis Senior Living Subdivision, located along the east side of Rt. 59, south of Apple Valley Drive. The proposed 68-bed skilled nursing facility would provide both short term and long term rehabilitation services at this location.

ATTACHMENTS (PLEASE LIST)

CD Memo, Applicant Cover Letter, Application, Location Map, Subdivision Plat, Preliminary/Final PUD Plan for Lot 2, Color Rendering, Building Elevations, Landscape Plan and Exhibit F to Ordinance 2015-37.

ACTION REQUESTED

- For Discussion Only - To discuss the Petitioner's requests and forward to the Plan Commission for further review and to conduct the required public hearing.
- Resolution
- Ordinance
- Motion

Staff: Jim Plonczynski, Com Dev Director Date: April 6, 2017

COMMUNITY DEVELOPMENT MEMORANDUM

17-66

DATE: April 6, 2017
TO: Paula Schumacher, Acting Village Administrator
FROM: Jim Plonczynski, Community Development Director
RE: **(#17-06) Alden Estates of Bartlett**

PETITIONER

Randi Schullo, on behalf of Alden Realty Services, Inc.

SUBJECT SITE

Lot 2 of the Artis Senior Living Subdivision (East side of Rt. 59, south of Apple Valley Drive) and directly east of the Artis Memory Care Facility)

REQUESTS

Preliminary/Final PUD Plan for Lot 2 of the Artis Senior Living Subdivision

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Vacant	Attached Residential-High Density	PD
North	Commercial/S.F. Residential	Commercial/Sub. Res.	B-2 PUD/SR-4
South	Church	Institutional	ER-1
East	Single Family Residential	Suburban Residential	SR-4
West	Memory Care Facility (Artis)	Attached Residential-High Density	PD

ZONING HISTORY

This property was **annexed** to the Village in 1978 and zoned ER-1 (Estate Residence) by Ordinance #1978-33. A portion of the lot containing just the farm house was rezoned to the SR-2 (Suburban Residence) Zoning District in 1987. (Ordinance #1987-24). In 2001 the entire property was rezoned to the PD (Planned Development) District by Ordinance #2001-69 which approved a high density senior housing facility (Bartlett on the Green) on the subject property. This development was never built, however the farm house and other out buildings were demolished.

In 2015, the Artis Senior Living 3-lot Subdivision, along with the PUD/Site Plan for a memory care facility on Lot 1 was approved on May 19, 2015 by Ordinance #2015-37.

DISCUSSION

1. The Petitioner is requesting a Preliminary/Final PUD Plan review for a proposed 68-bed skilled nursing facility for both short term and long term rehabilitation on Lot 2 of the

Artis Senior Living Subdivision. This 4.7 acre lot sits directly east of the Artis Senior Living facility currently under construction and located on Lot 1 of this subdivision.

2. The proposed 3-story building would have an average height of 44' 4". The 66,400 square foot building, which includes a "penthouse" area on the roof for the enclosure of the roof top mechanicals, would be constructed with primarily utility face brick and cement board siding. Concrete bands, cast stone sills and natural stone would serve as accent features on the façade of the building, as well as on the canopy located at the entrance to the facility.
3. This lot contains a small wetland (0.23 acres) at the southeast corner of the property. The Petitioner will not encroach into the wetland area, the 50 foot buffer has been provided, the existing trees along the edge of the wetland will be preserved and the petitioner will be required to comply with all of the DuPage County requirements/ permits pertaining to this wetland.
4. A circular drop-off area, with a covered canopy, (similar to that provided by the Artis development) has been provided at the entrance to the Alden facility. Alden will have about 30 employees on one shift and about 50 maximum at shift change. The number of parking spaces provided on the site totals 113, including seven (7) accessible spaces (exceeding the 5 accessible spaces required). The Zoning Ordinance requires 36 parking spaces for this use. The parking provided on the site exceeds the Zoning Ordinance requirement.
5. An outdoor courtyard consisting of a patio and walking path, a gazebo, waterfall feature, rain garden, decorative fencing and landscaping are proposed along the west side of the building to provide the temporary residents an outdoor experience.
6. No changes are proposed to the existing right-in/right-out curb cut constructed along Rt. 59 as part of the subdivision. This ingress/egress would now provide access to both Lots 1 and 2. The Petitioners are aware of the configuration of the IDOT approved curb cut. The Petitioners are, however, proposing to widen the cross access easement to provide for a lighted boulevard entryway to their lot. The Association created by the subdivision would be responsible for the maintenance of this shared drive as well as the upkeep and monitoring of the detention area contained on Lot 3.
7. According to the Village's Traffic Consultant, Coulter Transportation, the Artis Memory Care Facility was recognized as a low trip generator at the time of their review and *"of the land uses permitted by the previous ordinance, this facility (Alden) would be the most compatible with the right-in/ right-out access because they are relatively low peak hour trip generators and will have a regular user base that will be familiar with, and (will know) how to compensate for, the restricted site access (i.e. no left-turns)."*
8. Minor curb line adjustments have been made to provide clear fire truck access around the site. In addition, a cross access easement has been provided on the subject property (Lot 2) granting emergency access to the fenced outdoor court yard

of the Artis property (Lot 1). Emergency responders would access this courtyard at the southwest corner of Lot 2 and enter through the gate provided on site.

9. A landscaped berm is proposed along the north half of the east property line to help screen the site from the neighboring single family properties. The berm would end just north of the existing wetland on the site where the existing trees would be preserved.
10. This proposed rehabilitation facility fits within the parameters of the "Proposed Permitted Use List" of compatible uses that were deemed acceptable to the property owners (Artis) and the Village Board (see attached list – Exhibit F to Ordinance 2015-37).
11. Engineering and Landscape plans are currently being reviewed by the Staff.

RECOMMENDATION

1. The Staff recommends forwarding the Petitioner's requests to the Plan Commission for further review and to conduct the required public hearing.
2. Background information is attached for your review and consideration.

rbg/attachments

x:\comdev\mem2017\066_alden_vbc1.docx



Alden Realty Services, Inc.

Development and Management of Real Estate

March 1, 2017

Village President Kevin Wallace and
Board of Trustees
Village of Bartlett
228 South Main Street
Bartlett, Illinois 60103

Re: Estates of Bartlett
Case #17-
Final PUD Plan/Site Plan for Lot 2 of Artis Senior Living of Bartlett Subdivision
CEMCON, Ltd. Job Number: 904.197

Dear President Wallace and Board of Trustees:

Alden Bartlett, LLC is the applicant for the above-referenced application. We are seeking to redevelop a 4.71 acre parcel as a three-story skilled nursery facility.

We request the Village Board's consideration of our Final PUD Site Plan for Lot 2 at both the Committee of the Whole meeting and Plan Commission. Should you have any further questions please contact me at randi.schullo@thealdennetwork.com.

Respectfully,

Randi Schullo

Manager, Alden Bartlett, LLC

RECEIVED
COMMUNITY DEVELOPMENT

MAR 02 2017

4200 West Peterson Avenue Chicago, Illinois 60646 Phone: (773) 286-3030 Fax: (773) 286-6146

www.thealdennetwork.com

VILLAGE OF
BARTLETT



VILLAGE OF BARTLETT DEVELOPMENT APPLICATION

For Office Use Only
Case # 17-06
RECEIVED
COMMUNITY DEVELOPMENT
MAR 02 2017
VILLAGE OF
BARTLETT

PROJECT NAME Alden Estates of Bartlett

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Randi Schullo, Alden Realty Services, Inc.

Street Address: 4200 W. Peterson Ave.

City, State: Chicago, IL

Zip Code: 60614

Email Address: randi.schullo@thealdennetwork.com

Phone Number: 773-286-3030

Preferred Method to be contacted: Email

PROPERTY OWNER INFORMATION

Name: Artis Senior Living of Bartlett, LLC

Street Address: 1651 Old Meadow Road, #100

City, State: McLean, Virginia

Zip Code: 22102

Phone Number: (703) 470-4446

OWNER'S SIGNATURE: [Signature] JAY HICKS

Date: 2/27/2017

(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

ACTION REQUESTED (Please check all that apply)

- Annexation
 - PUD (preliminary)
 - PUD (final)
 - Subdivision (preliminary)
 - Subdivision (final)
 - Site Plan (please describe use: commercial, industrial, square footage): 68 Bed Skilled Nursing Facility
 - Unified Business Center Sign Plan
 - Other (please describe) Easement Plat
- Text Amendment
 - Rezoning See Dropdown to See Dropdown
 - Special Use for: _____
 - Variation: _____

SIGN PLAN REQUIRED? No

(Note: A Unified Business Center Sign Plan is required for four or more individual offices or businesses sharing a common building entrance or private parking lot.)

PROPERTY INFORMATION

Common Address/General Location of Property: Vacant Lot 2 - Near Apple Valley and IL-59

Property Index Number ("Tax PIN"/"Parcel ID"): 01-09-205-034

Zoning: Existing: PD
(Refer to Official Zoning Map)

Land Use: Existing: Vacant

Proposed: PD

Proposed: Institutional/Municipal

Comprehensive Plan Designation for this Property: Attached Residential- High Densi
(Refer to Future Land Use Map)

Acreage: 4.71

For PUD's and Subdivisions:

No. of Lots/Units: 1

Minimum Lot: Area _____ Width _____ Depth _____

Average Lot: Area _____ Width _____ Depth _____

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney Steven D. Friedland - Applegate & Thorne-Thomsen
440 S. LaSalle Street, Suite 1900, Chicago, IL 60661
sfriedland@att-law.com - 312-491-2207

Engineer Mike Keith - CEMCON, Ltd.
2280 White Oak Cir #100, Aurora, IL 60502
michael.keith@cemcon.com - 630-862-2100

Other

FINDINGS OF FACT FOR SITE PLANS

Both the Plan Commission and Village Board must decide if the requested Site Plan meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)**

1. The proposed use is a permitted use in the district in which the property is located.

Yes - This property is within the planned development zoning district (PD). Which currently allows for our skilled nursing use.

2. The proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.

Yes - The skilled nursing proposed development will be compatible with the surrounding land uses (specifically neighboring a compatible memory care facility). In addition, the development will meet all village requirements and expectations with off-street parking, access, lighting, landscaping and drainage.

3. The vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well.

Yes - As seen in the traffic study completed by CEMCON, LTD on December 13, 2016. The vehicular ingress and egress to and from the site satisfy the Village's expectations. In addition, the traffic study provides evidence that our development will not cause any safety concerns for pedestrians or movement of traffic on/near our property.

4. The site plan provides for the safe movement of pedestrians within the site.

Yes - Our architecture team has developed a site plan that provides safe movement for all pedestrians within our site. All sidewalks connect to public ways.

5. There is sufficient mixture of grass, trees and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking or accessways shall be landscaped with a mixture of grass, trees and shrubs. (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements)

Yes - Please reference the included landscaping drawings. We are confident that our landscaping design will satisfy Village expectations and be in compliance with all landscaping requirements.

6. All outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.

Yes - All outdoor storage areas (oxygen storage, trash storage, etc...) are all screened in as specified.

FINDINGS OF FACT FOR PLANNED UNIT DEVELOPMENTS

Both the Plan Commission and Village Board must decide if the requested Planned Unit Development meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)**

1. The proposed Planned Unit Development is desirable to provide a mix of uses which are in the interest of public convenience and will contribute to the general welfare of the community.

Yes - Our development of a skilled nursing facility will provide a service that is not currently within the community of Bartlett and will be an asset to the general welfare of the community and provide high quality service to residents of the area and surrounding community.

2. The Planned Unit Development will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.

Correct. This development will NOT be detrimental to any health, safety, moral, or general welfare of persons residing in or around our property. We will provide a high-quality building, with attractive architecture, and landscaping.

3. The Planned Unit Development shall conform to the regulations and conditions specified in the Title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.

Yes. This development will conform to all regulations and conditions.

4. The proposed uses conform to the Comprehensive Plan and the general planning policies of the Village for this parcel.

Yes. Within the challenges and opportunities section of the Comprehensive Plan, a goal is to "provide access to quality education, jobs, health care, cultural and social amenities... for all residents". Alden Estates of Bartlett will undoubtedly bring quality jobs and health care services to the community, thus boosting both the economic and general health of the community.

5. Each of the proposed uses is a permitted or special use in the district or districts in which the Planned Unit Development would be located.

Yes - Our proposed skilled nursing use is a permitted use within the district of our parcel.

6. The Planned Unit Development is designed, located and proposed to be operated and maintained so that the public health, safety and welfare will not be endangered or detrimentally affected.

Alden takes great pride in the development and operation of our facilities. Please reference our submitted drawings which shows how we will provide landscaping and fencing with attractive architecture. We will also generate minimal traffic as none of our residents drive. We believe that the proposed design will be a great addition to the community, and will be operated/maintained in a manner that will promote public health, safety and welfare.

7. It shall not substantially lessen or impede the suitability for permitted use and development of, or be injurious to the use and enjoyment of, or substantially diminish or impair the value of, or be incompatible with, other property in the immediate vicinity.

The site has commercial uses to the north, a church to the south, multifamily to the east, an assisted memory care facility to the west. A high-quality skilled nursing facility which will generate little traffic, will not be injurious to the use and enjoyment of, nor impair the value of, other properties in the area. Our proposed development will provide a need to the community of Bartlett. The skilled nursing facility will be a complimentary use to neighboring uses.

8. Impact donations shall be paid to the Village in accordance with all applicable Village ordinances in effect at the time of approval.

Yes - The applicant agrees to be subject to Village ordinances at time of approval.

9. The plans provide adequate utilities, drainage and other necessary facilities.

Yes - Please reference our submitted plans. The development is designed to provide adequate utilities, drainage, and other necessary facilities for the skilled nursing facility.

10. The plans provide adequate parking and ingress and egress and are so designed as to minimize traffic congestion and hazards in the public streets.

The residents of this facility typically do not drive. The 118 proposed spaces are more than adequate to meet the parking demands for the employee and visitors. Adequate ingress and egress are being provided with an existing entrance provided by the development to the west, along with widening of the access road to provide a better entrance.

11. The plans have adequate site area, which area may be greater than the minimum in the district in which the proposed site is located, and other buffering features to protect uses within the development and on surrounding properties.

Yes. Please reference the submitted drawings/plans. There will be adequate site area for the development that will meet all Village's regulations and expectations. In addition, the development is designed with adequate setbacks from the property lines and surrounding properties.

12. There is reasonable assurance that, if authorized, the PUD will be completed according to schedule and adequately maintained.

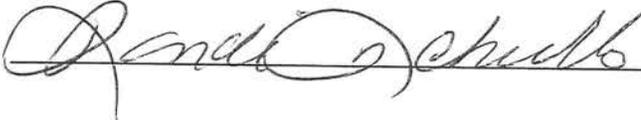
Yes. Alden has a long and successful history of developing similar projects. We have consistently met all expectations in developing projects on time. We have currently developed 47 Alden facilities (36 health care facilities and 11 independent senior living communities). All have been completed on time, and have been successfully maintained over the past 46 years.

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: 

PRINT NAME: Randi Schullo

DATE: 3/1/2017

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE **BILLED**: Alden Bartlett, LLC

ADDRESS: 4200 W. Peterson Ave.
Chicago, IL, 60646

PHONE NUMBER: 773 - 286- 3030

EMAIL: randi.schullo@thealdennetwork.com

SIGNATURE: 

DATE: 3/1/2017

ZONING/LOCATION MAP

Alden Estates of Bartlett

Case #17-06 - Preliminary/Final PUD Plan

PIN: 01-09-205-034



FINAL PLAT OF SUBDIVISION FOR ARTIS SENIOR LIVING OF BARTLETT

BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 9, TOWNSHIP 40 NORTH, RANGE 9 EAST OF
THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY,
ILLINOIS.

THIS PLAT WAS SUBMITTED TO THE COUNTY
RECORDER FOR THE PURPOSES OF RECORDING BY:

(PRINT NAME)

(ADDRESS)

(CITY/TOWN) (STATE) (ZIP/PO BOX)

ACCESS CONTROL COVENANT
THERE SHALL BE AT THE MOST ONE RESTRICTED
(RIGHT-IN/RIGHT-OUT) ACCESS DRIVEWAY TO A,
ROUTE 59 FROM LOT 1. THERE SHALL BE NO
VEHICULAR ACCESS TO A ROUTE 59 FROM LOT 3
WHEN LOT 2 IS DEVELOPED. THE DEPARTMENT WILL
NOT PERMIT MODIFICATIONS TO THE RESTRICTED
ACCESS DRIVEWAY TO A ROUTE 59 FROM LOT 1
AS NOTED HEREON.

ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATE

THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS
DEPARTMENT OF TRANSPORTATION WITH RESPECT TO
ROADWAY ACCESS PURSUANT TO ARTICLE 2 OF "AN ACT
TO REVISE THE LAW IN RELATION TO PLATS", AS
AMENDED. A PLAN THAT MEETS THE DEPARTMENT'S
POLICY ON PERMITS FOR ACCESS DRIVEWAYS TO STATE
HIGHWAYS WILL BE REQUIRED BY THE DEPARTMENT.

DISTRICT ENGINEER DATE

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF DUPAGE)

I, _____, COUNTY CLERK OF
COUNTY, ILLINOIS, DO HEREBY
CERTIFY THAT THERE ARE NO DELINQUENT GENERAL
TAXES, NO UNPAID CURRENT GENERAL TAXES, NO
UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX
SALES AGAINST ANY OF THE LAND INCLUDED IN THE
SUBJECT PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL
STATUTORY FEES IN CONNECTION WITH THE SUBJECT
PLAT.

GIVEN UNDER MY HAND AND SEAL AT _____
COUNTY, ILLINOIS THIS _____ DAY OF
2015.

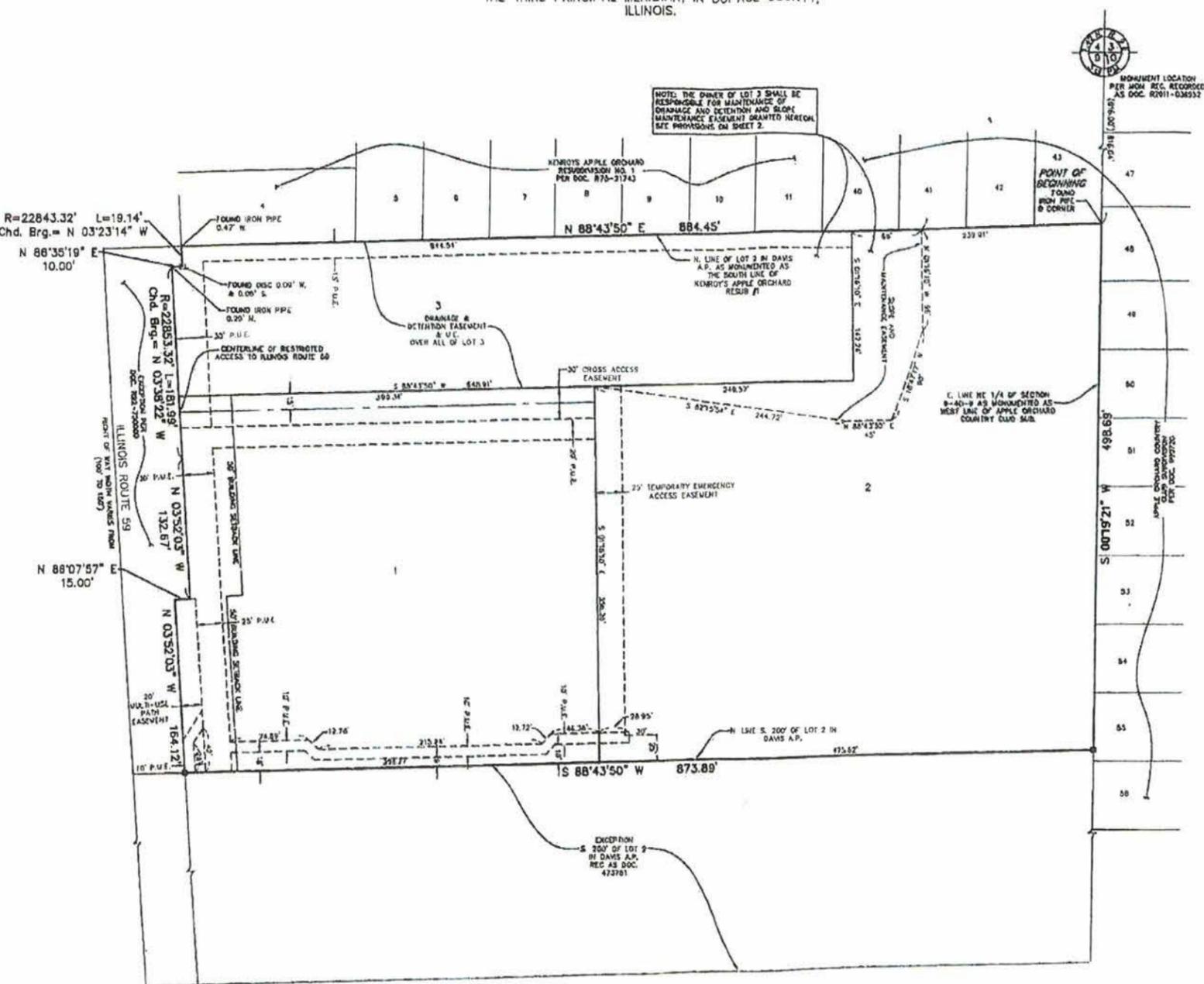
BY: _____
COUNTY CLERK

RECORDER'S CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF DUPAGE)

THIS INSTRUMENT WAS FILED FOR RECORD IN THE
RECORDER'S OFFICE OF _____ COUNTY,
ILLINOIS, THIS DAY OF _____ 2015 AT _____ O'CLOCK
_____, M. AND RECORDED IN MAP BOOK _____, PAGE _____,
AS DOCUMENT NO. _____.

BY: _____
COUNTY RECORDER



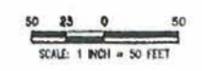
NOTE: THE OWNER OF LOT 2 SHALL BE
RESPONSIBLE FOR MAINTENANCE OF
DRAINAGE AND DETENTION AND SLOPE
MAINTENANCE EASEMENT GRANTED HEREON.
SEE PROVISIONS ON SHEET 2.



MONUMENT LOCATION
PER ADJ. REC. RECORDED
AS DOC. 82711-036532

NOTES
3/4 INCH IRON PIPE SET AT ALL LOT CORNERS
AND POINTS OF CURVATURE UNLESS OTHERWISE
NOTED.
ALL MEASUREMENTS ARE SHOWN IN FEET AND
DECIMAL PARTS THEREOF.
DIMENSIONS SHOWN ALONG CURVES ARE ARC
DISTANCES.
DIMENSIONS ENCLOSED WITH () ARE RECORD
DATA. ALL OTHER DIMENSIONS ARE MEASURED.
ALL EASEMENTS ARE HEREBY GRANTED UNLESS
OTHERWISE NOTED.
P.U.E. - INDICATES PUBLIC UTILITY AND
DRAINAGE EASEMENT HEREBY GRANTED.
SEE PROVISIONS FOR DETAILS.
U.E. - INDICATES UTILITY EASEMENT HEREBY
GRANTED. SEE PROVISIONS FOR DETAILS.
BAC BEARINGS SHOWN ARE BASED UPON THE
NORTH LINE OF SUBDIVISION BEING N 88°43'50" E
(ASSUMED).
RIGHT OF WAY WIDTHS FOR ILLINOIS ROUTE 59 PER
DATE FROM DUPAGE COUNTY GIS WEBSITE.

LEGEND
- SUBDIVISION BOUNDARY LINE
(Heavy Solid Line)
- LOT LINE/PROPERTY LINE
(Solid Line)
- ADJACENT LOT LINE/PROPERTY LINE
(Light Solid Line)
- EASEMENT LINE/LIMITS OF EASEMENT
(Short Dashed Lines)
- CENTERLINE
(Single Dashed Line)
□ - FOUND CONCRETE MONUMENT
■ - SET CONCRETE MONUMENT



TOTAL AREA OF SUBDIVISION
10.088 ACRES
(MORE OR LESS)

PARCEL INDEX NUMBER
01-03-205-028 & 030

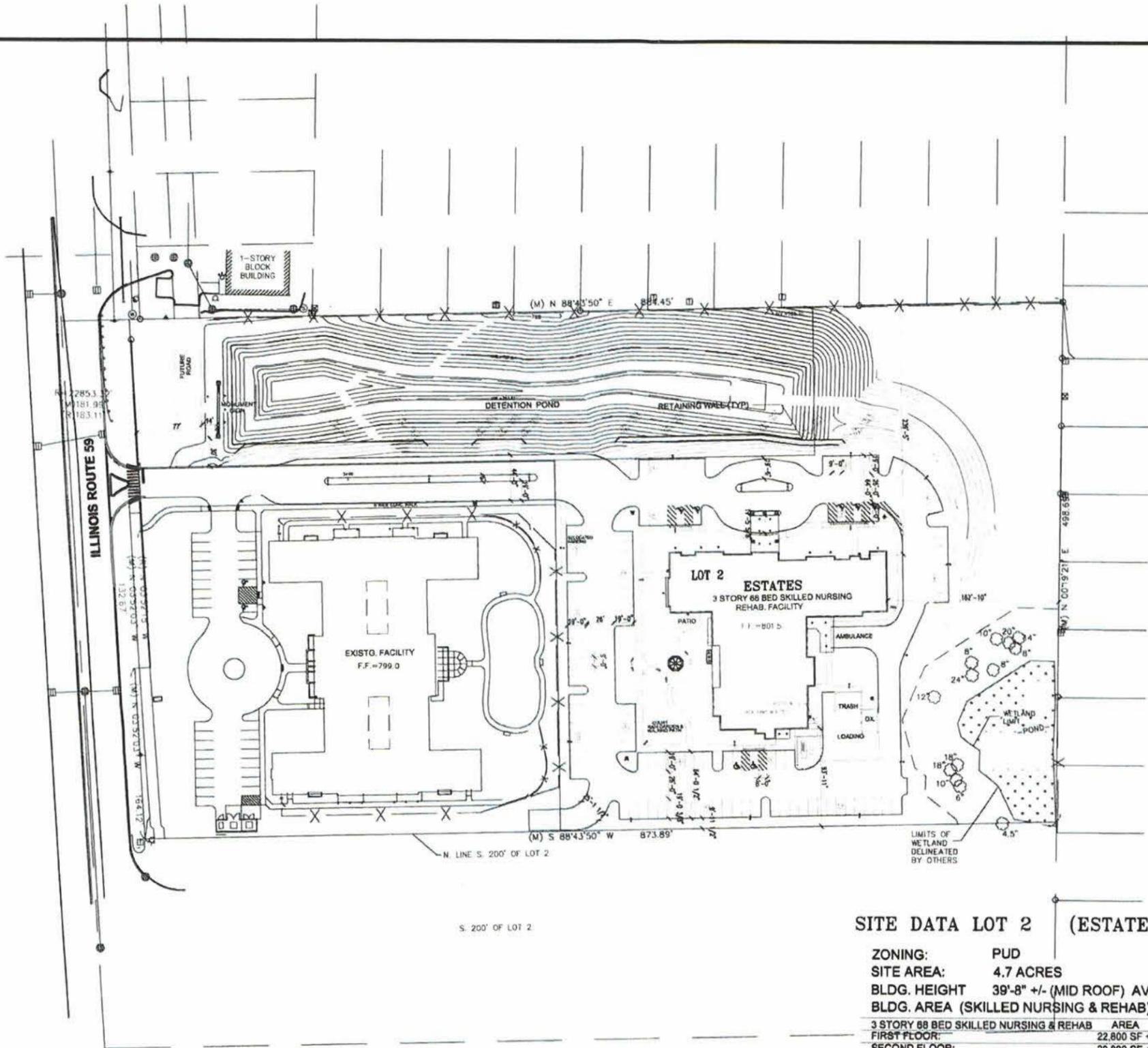
AREA SUMMARY
LOT 1 = 3.257 Ac.
LOT 2 = 4.707 Ac.
LOT 3 = 2.124 Ac.
TOTAL = 10.088 Ac.
(More or Less)

PREPARED FOR:
ARTIS SENIOR LIVING
1651 OLD MEADOW ROAD, SUITE 100
MCLEAN, VIRGINIA, 22102
(703) 281-0758

PREPARED BY:
CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
2280 White Oak Circle, Suite 100 Aurora, Illinois
63052-9675 PH: 630.862.2100 FAX: 630.862.2199
E-Mail: cadd@cemcon.com Website: www.cemcon.com

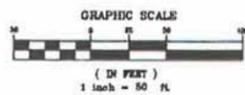
DISC NO.: 815001 FILE NAME: SUBPLAT
DRAWN BY: TL FLD. BK. / PG. NO.: 759
COMPLETION DATE: 1-8-15 JOB NO.: 815.001
PROJECT REFERENCE:
REVISED 2-19-15/TL PER REVIEW LETTER DATED 2-15-15
REVISED 3-5-15/TL LIMITS OF LOTS 2 & 3 AREA ETC.
REVISED 3-11-15/TL PER REVIEW LETTER DATED 3-10-15
REVISED 4-2-15/TL ADDITIONAL EASEMENTS
REVISED 4-7-15/TL ADD PRIVATE SLOPE & MAINTENANCE EASEMENT
REVISED 4-28-15/TL ACCESS CONTROL COVENANT
REVISED 5-6-15/TL PER REVIEW LETTER DATED 4-30-15

SUBDIVISION PLAT



PROPOSED SITE PLAN

SCALE: 1"=50'



SITE DATA LOT 2 (ESTATES)

ZONING:	PUD
SITE AREA:	4.7 ACRES
BLDG. HEIGHT	39'-8" +/- (MID ROOF) AVERAGE ROOF HEIGHT 44'-4"
BLDG. AREA (SKILLED NURSING & REHAB)	
3 STORY 68 BED SKILLED NURSING & REHAB	AREA
FIRST FLOOR:	22,800 SF +/-
SECOND FLOOR:	20,800 SF +/-
THIRD FLOOR:	20,800 SF +/-
PENTHOUSE	2,000 SF +/-
TOTAL BLDG. AREA	66,400 SF +/-

REQUIRED PARKING: 88
 TOTAL PARKING: (106) 9'X19' STD. (7) 16'X19' HC TOTAL (113)
 (NOTE: 5 PARKING SPACES DISPLACED FROM ARTIS ARE NOT INCLUDED IN THIS TOTAL)

NOTE: SURPLUS PARKING HAS BEEN PROVIDED TO ADEQUATELY ADDRESS VISITOR PARKING NEEDS AND ANY POTENTIAL FUTURE INCREASE TO THE NUMBER OF EMPLOYEES FOR FACILITY

RECEIVED
 COMMUNITY DEVELOPMENT

Date: 3-1-17
 Job:
 Drawn: R.K.

Sheet

A-1

VILLAGE OF
 BARTLETT

ADG ALDEN DESIGN GROUP, INC.
 ARCHITECTS
 4200 W. Peterson Ave.
 Chicago, IL 60646
 Phone: 773-286-1646
 Fax: 773-286-1562

ALDEN ESTATES of BARTLETT

BARTLETT

ILLINOIS



1 NORTH ELEVATION (FRONT VIEW)
SCALE 3/32"=1'-0"



2 WEST ELEVATION (SIDE VIEW)
SCALE 3/32"=1'-0"



3 EAST ELEVATION
SCALE 3/32"=1'-0"

RECEIVED
COMMUNITY DEVELOPMENT
APR 10 2012
VILLAGE OF
BARTLETT

ILLINOIS

ALDEN ESTATES of BARTLETT

BARTLETT

ADG ALDEN DESIGN GROUP, INC.
ARCHITECTS
4000 W. Peterson Ave
Chicago, IL 60648
Phone: 773-286-1546
Fax: 773-286-1562

Date:
Job:
Drawn: R.K.
Sheet

A-4

COLOR RENDERING



- ALUM. GUTTER & DOWNSPOUT
- ASPHALT SHINGLE ROOF
- CEMENT FRIEZE BOARD
- CEMENT BO. SIDING SYSTEM
- CONCRETE PRE-CAST BAND
- UTILITY FACE BRICK
- SOLDER COURSE
- CONCRETE PRE-CAST BAND
- UTILITY FACE BRICK
- CAST STONE BASE



- ALUM. GUTTER & DOWNSPOUT
- ASPHALT SHINGLE ROOF
- CEMENT FRIEZE BOARD.
- CEMENT BOARD SIDING SYSTEM
- CONCRETE PRE-CAST BAND
- UTILITY FACE BRICK
- SOLDER COURSE
- UTILITY FACE BRICK
- CONCRETE PRE-CAST BAND

- ALUM. COPPING SYSTEM
- CEMENT BOARD.
- PAINTED STEEL POST
- NATURAL STONE
- CAST STONE SILL BAND
- CAST STONE BASE

3 EAST ELEVATION
SCALE: 3/32"=1'-0"

RECEIVED
COMMUNITY DEVELOPMENT
APR 10 2017
VILLAGE OF
BARTLETT

ILLINOIS

ALDEN ESTATES of BARTLETT

BARTLETT

ADG ALDEN DESIGN GROUP, INC.
ARCHITECTS
4200 W. Peterson Ave
Chicago, IL 60646
Phone: 773-286-1546
Fax: 773-286-1952

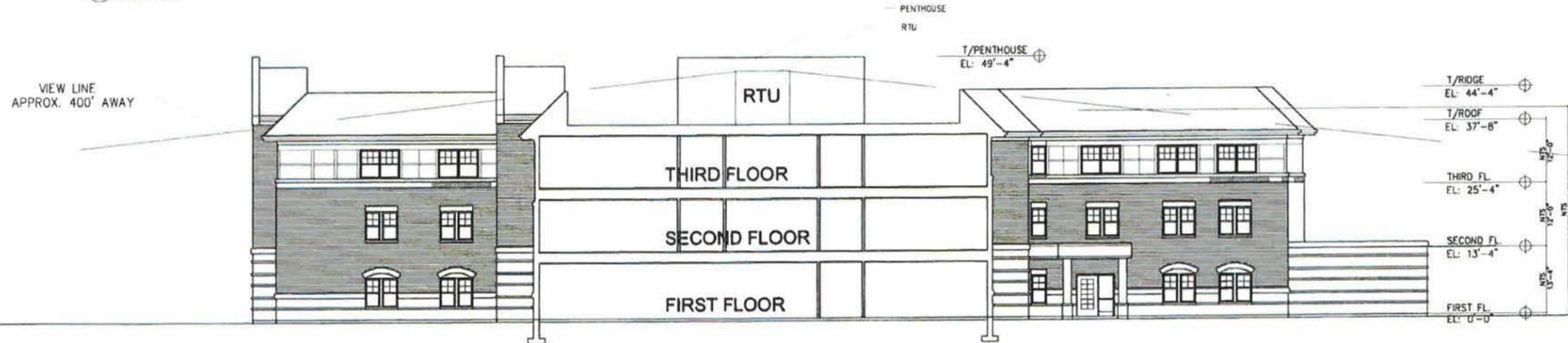
Date: 3-1-17
Job:
Drawn: R.K.
Sheet

A-2

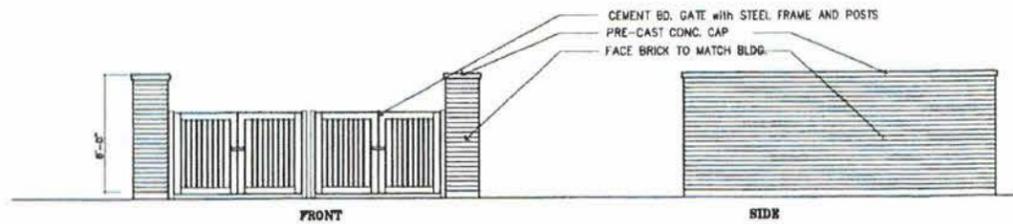
BUILDING ELEVATIONS 1 OF 2



1 SOUTH ELEVATION
SCALE 1/2"=1'-0"



2 SOUTH ELEVATION AND BUILDING SECTION
SCALE 1/2"=1'-0"



3 TRASH & OXYGEN ENCLOSURE (emergency generator screen wall sim.)
SCALE 3/16"=1'-0"

ILLINOIS

ALDEN ESTATES of BARTLETT

BARTLETT

ADG ALDEN DESIGN GROUP, INC.
ARCHITECTS

Phone: 773-286-1546
Fax: 773-286-1562

4200 W. Peterson Ave
Chicago, IL 60646

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Job:
Drawn: R.K.

Sheet

A-3

RECEIVED
COMMUNITY DEVELOPMENT
APR 10 2017
VILLAGE OF
BARTLETT

BUILDING ELEVATIONS 2 OF 2

EXHIBIT F

Artis Senior Living of Bartlett

Proposed Permitted Uses for Future Lot 2:

1. Residential uses, including attached and detached single-family dwellings, duplexes, and multi-family dwelling units.
2. Offices, business and professional, including research facilities.
3. Medical and dental clinics.
4. Educational institutions (nonboarding).
5. Day care facilities.
6. Religious institutions.
7. Financial institutions and offices.
8. Health clubs and recreational facilities.
9. Nursing homes, sheltered care homes, intermediate care facilities, homes for the aged.
10. Retail uses.
11. Personal services.

RECEIVED
COMMUNITY DEVELOPMENT
JUL 23 2014
VILLAGE OF
BARTLETT

COMMUNITY DEVELOPMENT MEMORANDUM

17-037

DATE: April 10, 2017
TO: Paula Schumacher, Acting Village Administrator
FROM: Jim Plonczynski, CD Director
RE: (#17-10) Administrative Site Plan Review Text Amendment

Current Procedure

The Village Board has asked the Staff to suggest amendments to the Municipal Code to streamline the development process and improve the overall service delivery. This Text Amendment to the Zoning Ordinance would allow Site Plan and Site Plan Amendments to be reviewed and approved administratively as part of the Building Permit Application. The Administrative Review would still include the typical Departmental Reviews from Building, Community Development, Engineering/Public Works, Police, Fire and IDOT/County Highway Departments (if needed) but could save approximately three (3) months of review time from the current process which requires; **(a)** the initial Site Plan Application, **(b)** Staff Routing/Distribution, **(c)** Staff Review, **(d)** Staff Review Letter, **(e)** Applicant's Response to the Staff's review letter and lastly **(f)** Village Board Committee review, Plan Commission review and recommendation, second Village Board Committee review and Village Board approval.

Proposed Procedure

When a proposed development application meets the bulk requirements and is a permitted use allowed in a particular zoning district, the property owner/applicant would then submit a Building Permit Application that would include the required site plan or site plan amendment, landscaping, building elevations, floor plans, color renderings and photometric plans as well as any engineering plans in tandem with the submittal of the Building Permit Application. The Site Plan Checklist requirements currently outlined on the Site Plan Application would not change. Staff would encourage property owners/applicants to meet with the Technical Staff prior to submission to go over the Site Plan Checklist, so that all parties would have prior knowledge of the items required for a completed application and to expedite the review process.

CD Memo #17-037
April 10, 2017
Page 2

If the site is a Planned Unit Development, requires any Variations or a Special Use Permit, the petitioner would need to go through the Development review process.

Numerous municipalities, including Hanover Park, Streamwood, Carol Stream, Naperville, Addison, Carpentersville and Schaumburg, administratively review Site Plans in conjunction with a building permit application submittal.

The proposed verbiage for the Administrative Site Plan Review Text Amendment to the Zoning Ordinance is attached for your review. If the Zoning Ordinance Text Amendment is approved, the Building Code section regarding Building Permit Application requirements would also need to be updated.

RECOMMENDATION

Staff recommends forwarding this proposed Text Amendment to the Zoning Board of Appeals for their review and to conduct the required public hearing.

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Proposed Text Amendment Language

10-13-9: SITE PLAN REVIEW: A ~~n~~ approved Site Plan ~~Review~~ shall be required prior to ~~as part of a the approval of a building permit~~ ~~Development application~~ for ~~any~~ property ~~located~~ within an SR-5, SR-6, MH-1, ~~P-1~~, Commercial, Office or Industrial district, or prior to the granting of a rezoning of property to an SR-5, SR-6, MH-1, commercial, office or industrial category or the granting of a special use permit ~~or variance~~ in any of these districts ~~and shall be reviewed by both the Plan Commission and Board of Trustees as part of the Rezoning, Special Use Permit or variance process.~~

Site Plan requirements for Planned Unit Developments within the SR-5, SR-6, MH-1, ~~P-1~~, ~~PD~~, Commercial, Office or Industrial Districts are included in Chapter 9 of this title, Planned Unit Developments, ~~and shall be reviewed by both the Plan Commission and Board of Trustees as part of the Special Use Permit/PUD process.~~

An Administrative Site Plan Review (Section 10-13-9A) shall include all of the details of a Site Plan as described in Section 10-13-9 but can be submitted to the Building Department as a Building Permit application along with the required number of plan sets as detailed in Section 10-13-9A:C. Contents of a Site Plan Application. The Administrative Site Plan Review process does not need to go through the Plan commission and Board of Trustees review and approval process.

- A. **Purpose And Intent:** The purpose and intent of requiring Site Plan approval is to ensure that Site Plans that are otherwise in conformance with this title also include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress and drainage of the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.
- B. **Procedure:** A written application for Site Plan review shall be submitted to the ~~Community Development Department~~ ~~village clerk~~, who will schedule the item for review by the Plan Commission. ~~Eight (8)~~ ~~Ten (10)~~ copies of the Site Plan shall be submitted by the property owner or his certified agent to the ~~Community Development Department~~ ~~zoning administrator~~ at least ~~thirty (30)~~ ~~ten (10)~~ days prior to the plan commission meeting at which the Site Plan will be reviewed. ~~The Community Development Department and the Village's Technical Staff~~ ~~zoning administrator~~ shall review the Site Plan for conformance with the zoning ordinance,

landscape ordinance, storm water control ordinance, traffic impacts, fire prevention and engineering of the Village and shall make a report to the plan commission. After reviewing the report of the Community Development Department and Technical Staff zoning administrator, the plan commission shall recommend approval or denial of the Site Plan, with or without conditions, or may defer the item for further study. Once a recommendation is made, the Site Plan shall be forwarded to the village board for consideration. Consultation with the appropriate village technical staff and consultants is encouraged throughout this process to ensure a minimum of delay.

C. Contents Of A Site Plan Application:

1. A completed/signed Application including the Findings of Fact.
2. Property Owner's Signature on the application or a Letter signed by the Property Owner authorizing the petition submittal.
3. Application Fee + consultant fees (if applicable).
4. Legal Description of the Subject Property from the Survey (CD, flash drive or email).
5. A Cover Letter addressed to the President and Board of Trustees describing the request.
6. Proof of Ownership (Deed or Title Insurance Policy) A contract purchaser must provide a copy of the contract and proof of authorization from the owner of record. If the title is held by the trustee of a land trust, the trustee shall identify each person who has any interest in the trust of any kind whatsoever, direct or indirect, including collateral assignees and other lien holders, by name and address, and define their interest therein. The application shall be signed, under oath, by the applicant in their capacity as trustee or as the beneficiary of such land trust.
7. Plat of Survey (one full size copy drawn to scale) (Less than five years old unless pre-approved by the Community Development Department) including the following:
 - Utilities on the property and adjacent properties with 100'
 - Existing easements (location, width and purpose)
 - Existing streets and other rights-of-way
 - Legal Description
 - Wooded Areas (if present)
 - Base Flood Elevation (if present on the property)
 - Wetlands (if present on the property)
8. Site Plan (8 folded full size copies, one reduction (11x17) and a pdf (CD, flash drive or email) including the following:

- Location Map
 - Date of drawing (as well as dates of any and all revisions)
 - Location and dimensions of all proposed structures (including square footage, seating capacity, trash enclosure with detail, etc.)
 - Setbacks (building and parking setbacks)
 - Proposed parking including stall dimensions, width of circulation aisles, driveways and loading areas
 - Fire Lanes
 - Location of proposed signage (if applicable) with setback information identified
 - Location and details of proposed fencing (if applicable)
 - Project data including:
 - Total Acres
 - Number of proposed/required parking stalls and accessible stalls
 - Number of proposed truck parking (if applicable)
 - Floor Area Ratio
9. Final Engineering Plans (8 folded full size copies) and a pdf (CD, flash drive or email).
10. Final Stormwater Management Report, if applicable (2 copies).
11. Landscape Plan (8 folded full size copies), one reduction (11x17) and a pdf (CD, flash drive or email) including the following:
- Site Improvements
 - Setbacks
 - Dimensions
 - Plantings and a Plant List that contains the name, size and quantity of all plant material shown on the plan)
 - Location of: light poles, fire hydrants and proposed doors on the building
 - Calculation of landscaped area- Percentage of Open Space including Square Footage
12. Building Elevations (8 folded full size copies), one reduction (11x17) and a pdf (CD, flash drive or email) including the following:
- Building Height
 - Materials Used
 - Colors
13. Color Rendering one reduction (11x17) and a pdf (CD, flash drive or email).
14. Floor Plans (8 folded full size copies), one reduction (11x17) and a pdf

- (CD, flash drive or email) including the following:
- Square Footages (total and for each proposed use)
 - Layout of the tenant space
15. Truck Turning Movement Plans (8 folded full size copies), one reduction (11x17) and a pdf (CD, flash drive or email).
16. Lighting Plan (Photometrics) (8 folded full size copies), one reduction (11x17) and a pdf (CD, flash drive or email) including the following:
- Location and quantity of all light fixtures
 - Foot candle measurements to all property lines
 - List of different types of lighting proposed
 - Height of light poles
 - Lighting Details
 - Lumens
17. Unified Business Center Sign Plan (\$400 additional fee), if applicable (3 Color Copies) (for premises containing four or more individual offices or businesses sharing a common building entrance or private parking lot).
18. Additional Information as requested by CD Staff (i.e. Traffic Analysis).

A Site Plan shall follow and include the following information:

1. ~~A base map, drawn to scale, showing all lot boundaries and dimensions and a written description of the property; (Ord. 78-40, 5-16-1978)~~
2. ~~Present and proposed topography of the site, including significant tree groupings and other important natural features, such as streams, bogs, etc., proposed flow of storm drainage and the locations and plantings schedule, for all landscaping, including grass, trees and shrubs as required in subsection 10-11A-3B of this title; (Ord. 78-40, 5-16-1978; amd. Ord. 91-26, 4-16-1991)~~
3. ~~Locations and dimensions of all existing and proposed structures, building heights, number of stories, gross floor areas, and entrances;~~
4. ~~Locations and dimensions of all existing and proposed streets, curb cuts, aisles and walkways and the number and location of all parking and loading areas. If the exact use of the site is not known at the time of a Site Plan submittal, parking and loading requirements shall be calculated for the general use having the greatest parking and loading requirements;~~
5. ~~Location, height and material for all screening walls and fences, location and direction of proposed lighting facilities and the location and dimensions of each outdoor trash storage area; and~~

6. ~~Timetable for construction of proposed improvements. (Ord. 78-40, 5-16-1978)~~
 7. ~~The Plan Commission, Zoning Board of Appeals and/or the corporate authorities may request other information necessary to reasonably clarify the proposed Site Plan and its impact on surrounding properties. Such information may include, but is not limited to, a noise study from a qualified sound engineer indication the level of sounds that will be emitted from the property will comply with section 4-3-4 of the Bartlett Municipal Code. (Ord. 2001-129, 10-2-2001)~~
- D. **Conditions of Approval:** Prior to recommending approval of a Site Plan, the **Plan Commission** shall first find that the following **findings and conditions** have been met:
1. That the proposed use is a permitted use in the district in which the property is located;
 2. That the proposed arrangement of buildings, off-street parking, access lighting, landscaping and drainage is compatible with adjacent land uses;
 3. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;
 4. That the Site Plan provides for the safe movement of pedestrians with the site;
 5. That there is a sufficient mixture of grass trees and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the Site Plan area not used for buildings, structures, parking or access ways shall be landscaped with a mixture of grass, trees and shrubs; ~~(Ord. 78-40, 5-16-1978)~~
All landscape improvements shall be in compliance with Chapter 11, Article A of this title, Landscape Requirements.
 6. That all outdoor storage areas are screened and are in accordance with standards specified by this Ordinance. ~~(Ord. 78-40, 5-16-1978)~~
- E. **Assurance of Performance:** As a condition of approval, the ~~Plan Commission~~ **the Community Development Director and/or Building Department Director** may recommend that the applicant be required to file with the Village Treasurer ~~a Letter of Credit or a Performance Guarantee approved by the Village Attorney to ensure completion of approved landscaping, fencing, utilities, parking and loading, storm water~~

control, drainage and all other specific items of the Site Plan. The amount of the Performance Guarantee and the required completion date shall be recommended by the ~~Village Engineer Zoning Administrator~~ based on ~~current the Village Engineer's Estimate of costs and set by the Village Board~~. If upon inspection of the completed project by the ~~Village Engineer Zoning Administrator~~, it is found that the conditions of the Site Plan have been met, the Performance ~~Bond~~ **Guarantee** shall be released to the applicant. If the applicant does not complete the development of the items specified on the Site Plan within the time specified in its ~~bond or other security guarantee~~, the ~~Village Engineer Zoning Administrator~~ shall give written notice to the applicant and the surety or other guarantor. If ~~the site is development~~ in conformity with the conditions of the Site Plan have not been completed thirty (30) days prior to the expiration of the performance guarantee, the Village will take such action as is necessary to ensure completion in conformity with the Site Plan conditions. However if the applicant can show that he has tried to the utmost of his ability to complete development in conformity with the conditions of the Site Plan within the time period specified, but that adversities not of his making have prevented such completion, the Village Board may permit him to extend the performance guarantee for an additional specified period of time.

- F. **Amendments To A Site Plan:** ~~The required Site Plan and timetable may be amended by the Village Board after review and recommendation by the Plan Commission.~~ **Amendments to a Site Plan may be submitted as part of a Building Permit Application and reviewed in accordance with this Section (10-13-9A:).**
- G. **Building Permits:** Building permits for earthmoving, construction, alteration, or any other purpose shall not be issued for a Site until a Site Plan is approved by the Village Board and such approved Site Plan is delivered to the ~~Community Development Director Zoning Administrator~~. Any earthmoving, construction or alteration determined not to be in substantial compliance with the approved Site Plan, in the opinion of the ~~Community Development Director Zoning Administrator~~ shall be a violation of this Title. ~~{Ord. 83-20, 4-26-1983; amd. Ord. 91-48, 7-2-1991}~~

10-13-9A: ADMINISTRATIVE SITE PLAN REVIEW: An Administrative Site Plan review shall include all of the details of a Site Plan as described in Sections 10-13-9 A. through D. above but can be submitted to the Building Department as a Building Permit application along with the required number of plan sets as detailed above in Section 13-10-9C: **Contents of a Site Plan**. Additional

information as required by the Building Department may also need to be submitted.

- A. Purpose and Intent:** The purpose and intent of an Administrative Site Plan Review is to ensure that Site Plans that are otherwise in conformance with this title also include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress and drainage of the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.
- B. Procedure:** The Administrative Site Plan review process will begin when all required materials are submitted and checked. A plan set of the Site Plan submittal will then be routed out to all departments (Building Community Development, Engineering, Police, Fire District, Highway Department (if necessary)) for a three (3) week review period. Comments submitted in this Staff review process will then be collected and will be sent to the applicant. The applicant can then respond to the comments and/or schedule a Technical Staff meeting to discuss the comments. Upon submittal of the revised plans including the recommended and required changes, a second review will be conducted to review the changes. If all changes are included and approved the Technical Staff will recommend approval of the Building Permit to the Building Department Director.
- C. Contents Of An Administrative Site Plan:** An Administrative Site Plan shall follow the Site Plan Application checklist and include:
1. A completed/signed Application including the Findings of Fact.
 2. Property Owner's Signature on the application or a Letter signed by the Property Owner authorizing the petition submittal.
 3. Application Fee + consultant fees (if applicable).
 4. Legal Description of the Subject Property from the Survey (CD, flash drive or email).
 5. A Cover Letter addressed to the President and Board of Trustees describing the request.
 6. Proof of Ownership (Deed or Title Insurance Policy) A contract purchaser must provide a copy of the contract and proof of authorization from the owner of record. If the title is held by the trustee of a land trust, the trustee shall identify each person who has any interest in the trust of any kind whatsoever, direct or indirect, including collateral assignees and other lien holders, by name and address, and define their interest therein. The application shall be signed, under oath, by the applicant in their capacity as trustee or as the beneficiary of such land trust.
 7. Plat of Survey (one full size copy drawn to scale) (Less than five years

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 - Fire Lanes
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- Location of: light poles, fire hydrants and proposed doors on the building
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17. Unified Business Center Sign Plan (\$400 additional fee), if applicable (3 Color Copies) (for premises containing four or more individual offices or businesses sharing a common building entrance or private parking lot).
18. Additional Information as requested by CD Staff (i.e. Traffic Analysis).
- D. Assurance of Performance:** As a condition of approval, the Community Development Director and/or Building Department Director may recommend that the applicant be required to file with the Village a Performance Guarantee approved by the Village Attorney to ensure completion of approved landscaping, fencing, utilities, parking and loading, storm water control, drainage and all other specific items of the Site Plan. The amount of the Performance Guarantee and the required completion date shall be recommended by the Village Engineer based on the Village Engineer's Estimate of costs. If upon inspection of the completed project by the Village Engineer, it is found that the conditions

of the Site Plan have been met, the Performance Guarantee shall be released to the applicant. If the applicant does not complete the development of the items specified on the Site Plan within the time specified in its guarantee, the Village Engineer shall give written notice to the applicant and the surety or other guarantor. If the site is in conformity with the conditions of the Site Plan have not been completed thirty (30) days prior to the expiration of the performance guarantee, the Village will take such action as is necessary to ensure completion in conformity with the Site Plan conditions. However if the applicant can show that he has tried to the utmost of his ability to complete development in conformity with the conditions of the Site Plan within the time period specified, but that adversities not of his making have prevented such completion, the Village Board may permit him to extend the performance guarantee for an additional specified period of time.

- E. Amendments To An Administrative Site Plan:** Amendments to an Administrative Site Plan may be submitted as part of a Building Permit Application and reviewed in accordance with this Section (10-13-9A).
- F. Building Permits:** Building permits for earthmoving, construction, alteration, or any other purpose shall not be issued for a Site until a Site Plan is approved by the Technical Staff in a memorandum of approval and such approved Site Plan is submitted to the Building Director. Any earthmoving, construction or alteration determined not to be in substantial compliance with the approved Site Plan, in the opinion of the Building Director shall be a violation of this Title.

BRYAN E. MRAZ
BEM@MRAZLAW.COM

DAVID W. GULLION
ASSOCIATE
DWG@MRAZLAW.COM

MEMORANDUM

TO: President and Board of Trustees of the Village of Bartlett
Paula Schumacher, Acting Village Administrator

FROM: Bryan E. Mraz, Village Attorney

DATE: April 11, 2017

RE: Bartlett Minimum Wages to Opt Out of Cook County Minimum Wages

On October 26, 2016, the Cook County Board adopted the Cook County Minimum Wage Ordinance that sets higher minimum wages for workers in Cook County than under State and Federal law. The Cook County Minimum Wage Ordinance, which goes into effect July 1, 2017, provides for gradual increases in minimum wages over the next four (4) years as follows:

\$10.00 per hour	7/1/17 – 6/30/18
\$11.00 per hour	7/1/18 – 6/30/19
\$12.00 per hour	7/1/19 – 6/30/20
\$13.00 per hour	7/1/20 – 6/30/21

and thereafter increases with the Consumer Price Index ("CPI"). While not applicable to the Village and its employees, it will be applicable to Bartlett businesses located in Cook County and to Bartlett businesses whose offices may not be located in Cook County, but that have employees that perform at least two hours of work in any two week period in Cook County.

Given that the Village of Bartlett lies in Cook, DuPage and Kane Counties, the Cook County Minimum Wage Ordinance will create a patchwork of varying minimum wages throughout the Village, unless the Village passes its own conflicting minimum wage ordinance, thereby opting out from under the Cook County Minimum Wage Ordinance.

Back on December 2, 2016, I wrote a Memorandum for the Board questioning whether Cook County has the authority to adopt its own ordinance, as minimum wages

would appear to be a matter of statewide concern, and does not pertain to the Cook County's "government and affairs." In fact, the Cook County State's Attorney's Office ("CCSAO") issued the attached confidential opinion letter dated October 25, 2016 reaching the same conclusion, but the County Board adopted the Cook County Minimum Wage Ordinance anyway. In my December 2, 2016 Memo I cited Article VII, §6(c) of the Illinois Constitution which provides that "[i]f a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction." Given that, I suggested that rather than challenge the Cook County Minimum Wage Ordinance in court or wait for the results of an inevitable challenge to it by an employer or another municipality, that the Village instead adopt its own minimum wage ordinance setting minimum wages throughout the Village of Bartlett at the applicable State or Federal minimum wage rate. Note that in the 10/25/16 CCSAO letter that the State's Attorney similarly opined that a municipality can "opt-out" of the Cook County Wage Ordinance by adopting its own conflicting ordinance.

Because the proposed Bartlett Minimum Wage Ordinance simply adopts the applicable State or Federal minimum wage rate, I am not concerned about any liability the Village could incur if the Bartlett Minimum Wage Ordinance were to be challenged.



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS
CIVIL ACTIONS BUREAU

ANITA ALVAREZ
STATE'S ATTORNEY

500 RICHARD J DALEY CENTER
CHICAGO, ILLINOIS 60602
AREA 312-603-5440

October 25, 2016

Honorable Sean M. Morrison
Commissioner – 17th District
Cook County Board of Commissioners
118 North Clark Street, Room 567
Chicago, Illinois 60602

CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION

Re: Item 16-5768: Living Wage Ordinance

Dear Commissioner Morrison:

We received your request for advice with regard to the legality of a proposed ordinance (Item 16-5768) that purports to institute a countywide living wage mandate. You have also asked several related questions. The specific questions you have asked, our conclusions and a discussion of the reasons supporting our conclusions follow.

ISSUES AND CONCLUSIONS:

ISSUE 1

Question: “As a home rule government, does Cook County have the legal authority to create a Living (Minimum) Wage in the State of Illinois?”

Answer: Our legal conclusion is that Cook County lacks the home rule authority to enact such an ordinance.

ISSUE 2

Question: “Can you ascertain if a local home rule government in Illinois has attempted to establish their own minimum wage? If so, [have] there been any legal challenges?”

Answer: We know that the City of Chicago has enacted a living wage ordinance and that it has not yet been challenged. Regardless, we believe that the outcomes of lawsuits in other states challenging living wage legislation would not provide reliable guidance for Cook County with respect to Item 16-5768 because laws and state constitutions differ from state to state and as such, these other lawsuits offer little predictive value.

ISSUE 3

Question: “If this ordinance were enacted and then challenged in court in a protracted lawsuit is there a quantifiable measurement in place that calculates the time and expense for the State’s Attorney’s Office to defend this legislation?”

Answer: There is no way to precisely predict how long such a lawsuit would last or what resources would be expended in defending it. It has been our experience, however, that cases challenging Cook County’s home rule authority have taken two or more years to be decided in the Circuit Court and one or more years to be decided in the Appellate Court. Typically, one or two Assistant State’s Attorneys are assigned to lawsuits of this type.

ISSUE 4

Question: “Do municipalities have the ability through passage of their own Ordinance to “Opt-Out” of the Cook County Minimum Wage Increase Ordinance?”

Answer: If a municipality has enacted or subsequently enacts an ordinance that “conflicts” with the County’s living wage mandate ordinance, the municipal ordinance would be controlling within the geographic boundaries of the municipality.

DISCUSSION

Issue 1

As a home rule unit of local government, the County may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public welfare. 1970 Ill. Const., art. VII, § 6(a). Notwithstanding the forgoing, if the home rule entity’s action does not pertain to its “government and affairs” it is invalid and the local unit of government may not legislate in that field.

The Illinois Supreme Court’s ruling in *Bernardi v. City of Highland Park*, 121 Ill. 2d 1 (1988) directly calls into question the County’s home rule authority to enact Item 16-5768. As a general rule, the authority of home rule units under section 6(a) is limited in those fields where the State of Illinois has the greater or more vital interest in regulating. In *Bernardi*, the Illinois Supreme Court considered whether a home rule municipality must conform to the requirements of the Illinois Prevailing Wage Act. *Bernardi*, 121 Ill. 2d at 5. The court opined that “[e]stablishing minimum requirements to . . . improve working conditions has traditionally been a matter of State concern, outside the power of local officials to contradict, and it remains so today.” *Id.* at 14.

Although the facts in *Bernardi* involved a municipality’s attempt to ignore and thereby effectively lower the prevailing wage, whereas Item 16-5768 proposes to increase wages it must be emphasized that the Supreme Court characterized the local legislation as an attempt to “interven[e] in the workplace.” *Id.* at 14. Identifying a long list of statutes as within the scope of State labor regulations, the court opined that a departure from them was beyond the authority of a home rule unit because the State has a far more vital interest in regulating labor conditions than did local entities. *Id.* at 15-16. The court concluded that allowing home rule units to govern “local labor

conditions” would destroy the General Assembly’s “carefully crafted and balanced economic policies.” *Id.* at 16. Accordingly, we interpret *Bernardi* to stand for the proposition that local legislation that purports to regulate local labor conditions does not pertain to a home rule unit’s “government and affairs” for purposes of Section 6(a), and we believe that if challenged a court would likely find that the ordinance exceeds the County’s home rule authority.

We wish to briefly discuss a potential alternative argument that attempts to distinguish *Bernardi*’s application to attempts by local units of government to regulate workplace conditions. This alternative argument is premised upon a characterization of the *Bernardi* decision as one in which the court held that the State’s interest in the field of labor regulation is only to set *minimum* standards that can be exceeded by local units of government. *See, Bernardi*, 121 Ill. 2d at 14 (discussing “[e]stablishing *minimum requirements* to . . . improve working conditions has traditionally been a matter of State concern, outside the power of local officials to contradict, and it remains so today.” (Emphasis supplied). There are cases in which Illinois courts have upheld local laws that provide greater protection than state laws. *See, e.g., Crawford v. City of Chicago*, 304 Ill. App. 3d 818, 828 (1st Dist. 1999) (City of Chicago’s policy of extending benefits to same sex domestic partners upheld); *see also, Village of Bolingbrook v. Citizens Utilities Co.*, 158 Ill. 2d 133, 134-143 (1994) (environmental ordinances that regulate sewage discharge more restrictively than state law); *Kalodimos v Village of Morton Grove*, 103 Ill. 2d 483, 501 (1984) (gun safety ordinance regulated hand guns more restrictively than state law).

Under this alternative argument, it could be argued that Item 16-5768 would pertain to the County’s “government and affairs” because it provides *more* protections to workers than state law requires. However, we believe that in light of the Supreme Court’s clear holding in *Bernardi* that labor regulations are *not* a matter pertaining to home rule units’ “government and affairs” and the fact that none of the local laws at issue in *Crawford*, *Village of Bolingbrook*, or *Kalodimos*, above, involved the regulation of local labor conditions, a court likely would find that the County is prohibited from legislating in the field of labor regulation regardless of whether Item 16-5768 purportedly improves local labor conditions.

Issue 2

The City of Chicago has enacted a living wage ordinance that has yet to be challenged. We are anecdotally aware that other municipalities have enacted similar legislation in other states. However, it bears mentioning that constitutions and labor laws vary from state to state. Accordingly, the outcome of litigation in out-of-state jurisdictions in which local living wage legislation is being challenged is not predictive of how Illinois courts would view the legality of Item 16-5768 were it to be enacted.

Issue 3

Were Item 16-5768 to be enacted and challenged, the State’s Attorney’s Office would be tasked with defending it in court. There is no way to precisely predict how long such a lawsuit would last or what resources would be expended in defending it. It has been our experience, however, that cases challenging Cook County’s home rule authority have taken two or more years to be decided in the Circuit Court and one or more years to be decided in the Appellate Court.

Issue 4

Regarding your question as to whether municipalities may “opt out”, we understand your use of that term to refer to the ability of a municipality to enact an ordinance that conflicts with the ordinance of a home rule county. In the instant situation, assuming that Item 16-5768 or similar living wage ordinance is enacted and a court finds it valid, such ordinance would be applicable countywide except to the extent that it conflicts with the ordinance of a municipality, home rule or not. Article VII, § 6(c) of the Illinois Constitution provides that “[i]f a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.” Please note that Section 6(c) does not distinguish between home rule and non-home rule municipalities.

The Report of the Committee on Local Government of the 1970 Illinois constitutional convention recognized the problem of legislating in the same field by both a municipality and a home-rule county not as a question or preemption of authority but as a matter of resolving conflicts in ordinances. (7 Proceedings 1591, 1646-1650.) In defining the problem to be resolved by section 6(c) the committee proposal states: “ * * * there may be differences or actual conflicts and inconsistencies between municipal legislation and county legislation. Some provision must be made to resolve these potential disagreements and conflicts.” (p. 1647).

The Illinois Attorney General has opined that “to the extent that a home-rule county ordinance and a municipal ordinance *actually conflict*, the municipal ordinance will be given effect within the municipality’s corporate boundaries.” See 1996 Ill. AG LEXIS 36 (Ill. AG 1996) (Emphasis supplied). The Attorney General relied on *Evanston v. County of Cook*, 53 Ill. 2d 312, 317 (1972) wherein the Court noted that in zoning, regulatory and licensing ordinances, “there are clear opportunities for contradictions and conflicts between the ordinances of the municipalities and ordinances of the county.” As such, it appears that, as a general rule, a county may not regulate within a home-rule municipality if that municipality has conflicting ordinances of its own.

Case law has not defined the word “conflict” for purposes of Section 6(c). Accordingly, what would be considered a “conflict” for purposes of Section 6(c) would have to be decided on a case-by-case basis. Thus, in the instant case, assuming that Item 16-5768 or similar living wage ordinance is enacted and found to be legally valid and a municipality (home rule or otherwise) either has enacted or subsequently enacts a “conflicting” ordinance, the municipal ordinance would be controlling within the geographic boundaries of the municipality

Sincerely,

ANITA ALVAREZ
STATE’S ATTORNEY OF COOK COUNTY



Donald Pechous
Chief, Civil Actions Bureau

ORDINANCE 2017-35

AN ORDINANCE AMENDING TITLE 1 OF THE BARTLETT MUNICIPAL CODE TO ADD NEW CHAPTER 16 ENTITLED "BARTLETT MINIMUM WAGES" TO CONFLICT WITH THE COOK COUNTY MINIMUM WAGE ORDINANCE

WHEREAS, the Village of Bartlett, an Illinois municipal corporation of Cook, DuPage and Kane Counties, Illinois, is a home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may regulate for the protection of the public welfare; and

WHEREAS, on October 26, 2016, the County of Cook Board of Commissioners enacted Ordinance 16-5768 "An Ordinance Creating a Minimum Wage in Cook County" now codified as Sections 42-11 through 42-23, inclusive, of the County of Cook Code of Ordinances and known and cited as the "Cook County Minimum Wage Ordinance" which ordinance shall take effect on July 1, 2017; and

WHEREAS, given that the Village of Bartlett lies in three counties, the Cook County Minimum Wage Ordinance would result in different minimum wage requirements on employers with employees that perform work in the Cook County portion of the Village, than employers of companies with employees that perform work in the DuPage County portion of the Village, and/or the Kane County portion of the Village; and

WHEREAS, the Cook County Minimum Wage Ordinance places an undue and unequal burden on employers within the Village and would create a burdensome patchwork of regulation regarding wages that is not properly a matter of Statewide concern and is outside the power of the County of Cook to regulate, but to the extent that it has such authority, the Village of Bartlett pursuant to its authority under Article VII, Section 6(c) of the Illinois Constitution, finds that it is in the best interest of the Village, Village residents, Village employers, and the public's health, safety, welfare, government and affairs to amend the Bartlett Municipal Code to clearly define and establish minimum wage regulations that apply to all employers located within the Village as being those set forth in State Law and Federal Law as the same may be amended from time to time;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: That Title 1 of the Bartlett Municipal Code is hereby amended to add new Chapter 16, entitled Bartlett Minimum Wages, as follows:

CHAPTER 16

BARTLETT MINIMUM WAGES

- 1-16-1: SHORT TITLE.
- 1-16-2: DEFINITIONS.
- 1-16-3: MINIMUM HOURLY WAGE.
- 1-16-4: MINIMUM HOURLY WAGE IN OCCUPATIONS RECEIVING GRATUITIES.
- 1-16-5: OVERTIME COMPENSATION.
- 1-16-6: EXCLUSIONS.
- 1-16-7: APPLICATIONS TO COLLECTIVE BARGAINING AGREEMENTS.
- 1-16-8: CONFLICT WITH THE COOK COUNTY MINIMUM WAGE ORDINANCE.
- 1-16-9: NO NOTICE AND POSTING.
- 1-16-10: ENFORCEMENT REGULATIONS.
- 1-16-11: NO PRIVATE CAUSE OF ACTION.

1-16-1: SHORT TITLE.

This Chapter shall be known and may be cited as the Village of Bartlett Minimum Wage Ordinance.

1-16-2: DEFINITIONS.

For purposes of this Chapter, the following terms, definitions and meanings as set forth in Section 42-12 of the Cook County Minimum Wage Ordinance: "Covered Employee", "CPI", "Director", "Domestic Worker", "Employee, Gratuities and Occupation", "Employer", "Subsidized Temporary Youth Employment Program", "Subsidized Transitional Employment Program" and "Tipped Employee" shall not be applicable to any employer whose place of business is located within the corporate limits of the Village of Bartlett, or to any employer who employs any employee that performs any work for an employer while physically present within the geographic boundaries of the Village of Bartlett. Notwithstanding the foregoing, the following definitions are applicable to this Chapter:

"Cook County Minimum Wage Ordinance" means Cook County Ordinance 16-5768, AN ORDINANCE CREATING A MINIMUM WAGE IN COOK COUNTY codified at Chapter 42 – Human Relations, Article I., In General, Division 2, Cook County Minimum Wage Ordinance, Sections 42-7 – 42-19, as the same may be amended from time to time.

"Covered Employee" as that term is defined and used in the Cook County Minimum Wage Ordinance shall not apply, but shall mean "Employee" as defined in Section 3 of the Minimum Wage Law.

"Domestic Worker" as that term is defined in the Cook County Minimum Wage Ordinance shall not apply, but shall mean an employee in the domestic service in or about a private home as defined in §3.(d)(3) of the Minimum Wage Law.

“Employee”, “Gratuities” and “Occupation” have the meanings ascribed to those terms in the Minimum Wage Law.

“Employer” has the meaning ascribed to that term in §3.(d)(3) of the Minimum Wage Law.

“Fair Labor Standards Act” means the United States Fair Labor Standards Act of 1938, 29 USC §201, *et seq.*, in force on the effective date of this Chapter and as thereafter amended.

“Minimum Wage Law” means the Illinois Minimum Wage Law, 820 ILCS 105/1, *et seq.*, in force on the effective date of this Chapter and as thereafter amended.

“Tipped Employee” has the meaning ascribed that term in the Fair Labor Standards Act.

“Wage” and “Wages” have the meaning ascribed to those terms in the Minimum Wage Law and in the Fair Labor Standards Act.

1-16-3: MINIMUM HOURLY WAGE.

Except as provided in Section 16-1-4 of this Chapter, every Employer shall pay no less than the following Wages to each Employee for each hour of work performed for that Employer while physically present within the geographic boundaries of the Village of Bartlett:

Beginning on July 1, 2017, the greater of: (1) the minimum hourly wage set by the Minimum Wage Law as the same is amended from time to time; (2) the minimum hourly wage set by the Fair Labor Standards Act as the same is amended from time to time.

1-16-4: MINIMUM HOURLY WAGE IN OCCUPATIONS RECEIVING GRATUITIES.

Every employer of an employee engaged in an occupation in which gratuities have customarily and usually constituted part of the remuneration shall pay no less than the following wage to each employee for each hour of work performed for that employer while physically present within the geographic boundaries of the Village of Bartlett:

Beginning on July 1, 2017, the greater of (a) the minimum hour wage set by the Fair Labor Standards Act for tipped employees as the same is amended from time to time; or (b) the minimum hourly wage set by the Minimum Wage Law for workers who receive gratuities as the same is amended from time to time.

1-16-5: OVERTIME COMPENSATION.

The wages set out in Sections 16-1-3 and 16-1-4 are subject to the overtime compensation provisions in the Minimum Wage Law, and in the Fair Labor Standards Act.

1-16-6: EXCLUSIONS.

This Chapter shall not apply to hours worked:

- A. By any person subject to subsection 4(a)(2) of the Minimum Wage Law, with the exception that the categories of employees described in subsections 4(a)(2)(A) and 4(a)(2)(B) of the Minimum Wage Law shall be entitled to the wages described in Sections 16-1-3 and 1-16-4, whichever applies, as well as the overtime overtime compensation described in Section 16-1-5.
- B. By any person subject to subsection 4(a)(3), subsection 4(d), subsection 4(c), Section 5, or Section 6 of the Minimum Wage Law.
- C. By any governmental entity, a category that for purposes of this Chapter includes, but is not limited to, any unit of local government, township, park district, school district, library district, fire district, the Illinois State government and the government of the United States, as well as any other federal, state, local government or special district agency or department. The foregoing governmental entities (except for Cook County) are exclusions under Sec. 42-16(c) of the Cook County Minimum Wage Ordinance, and are excluded under this Chapter; however, nothing contained herein shall exclude any businesses or employers from complying with State Law and Federal Law applicable to any such governmental entity regarding the payment of minimum wages.

The foregoing subsections A, B and C are exclusions under the Cook County Minimum Wage Ordinance and are excluded under the provisions of this Chapter, except to the extent they are not excluded under the Minimum Wage Law and the Fair Labor Standards Act, or either said State or Federal law.

1-16-7: APPLICATIONS TO COLLECTIVE BARGAINING AGREEMENTS.

Nothing in this Chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this Chapter. The requirements of this Chapter may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

1-16-8: CONFLICT WITH THE COOK COUNTY MINIMUM WAGE ORDINANCE.

This Chapter shall be deemed to conflict with the Cook County Minimum Wage Ordinance.

1-16-9: NO NOTICE AND POSTING.

The notice and posting requirements set forth in Section 42-15 of the Cook County Minimum Wage Ordinance, shall not apply to employers whose principal office or other office is located in the corporate limits of the Village of Bartlett. Employers shall not be required to post in a conspicuous place at each facility where any covered employee works that is located within the geographic boundaries of the Village of Bartlett, including those portions of the Village lying in Cook County, a notice advising the employee of the current minimum Wages under the Cook County Minimum Wage Ordinance, and of his or her rights under said Cook County Minimum Wage Ordinance. No employer whose office is located in the Village of Bartlett shall be required to provide the notice to any "Covered Employee" as required under Section 42-15(b) of the Cook County Minimum Wage Ordinance. Notwithstanding the foregoing, however, nothing shall be construed to waive or relieve any employer from any respective notice and posting requirements, if any, set forth in the Minimum Wage Law, the Fair Labor Standards Act, or any other State or Federal law.

1-16-10: ENFORCEMENT REGULATIONS.

The Village defers to the Director of the Illinois Department of Labor to enforce the Minimum Wage Law, and to the Federal authority authorized to enforce the Fair Labor Standards Act. The Village does not intend to adopt separate regulations, except to the extent necessary to conflict with the Cook County Minimum Wage Ordinance, or provide for enforcement of this Chapter.

1-16-11: NO PRIVATE CAUSE OF ACTION.

No employee who is paid less than the wage set forth in Sections 16-1-3 and 16-1-4 of this Chapter, or less than the amounts set forth in Sections 42-13, 42-14, or 42-15 of the Cook County Minimum Wage Ordinance, may recover in a civil action the amount of any such underpayment or greater amount or his or her costs and/or such reasonable attorney's fees, as State and Federal law adequately provide appropriate private remedies therefor.

SECTION TWO: SEVERABILITY. The various provisions of this Ordinance are to be considered as 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: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall be in full force and effect on July 1, 2017.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

Kevin Wallace, Village President

ATTEST:

Lorna Giles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2017-35 enacted on May 2, 2017, and approved on May 2, 2017, as the same appears from the official records of the Village of Bartlett.

Lorna Giles, Village Clerk

BRYAN E. MRAZ
BEM@MRAZLAW.COM

DAVID W. GULLION
ASSOCIATE
DWG@MRAZLAW.COM

MEMORANDUM

TO: President and Board of Trustees of the Village of Bartlett
Paula Schumacher, Acting Village Administrator

FROM: Bryan E. Mraz, Village Attorney

DATE: April 11, 2017

RE: Bartlett Regulations for Employee Sick Leave for
Businesses Operating in Bartlett

On October 5, 2016, the Cook County Board adopted the Cook County Earned Sick Leave Ordinance that requires employers of employees that work in Cook County to provide mandatory earned paid sick leave benefits. The Cook County Earned Sick Leave Ordinance goes into effect July 1, 2017, and while it is not applicable to the Village of Bartlett as an employer or to its employees, it will be applicable to Bartlett businesses located in Cook County and to Bartlett businesses whose offices may not be located in Cook County, but that have employees that perform at least two hours of work in any two week period while in Cook County.

Given that the Village of Bartlett lies in Cook, DuPage and Kane Counties, the Cook County Earned Sick Leave Ordinance will create a patchwork of sick leave benefit regulations throughout the Village, unless the Village passes its own conflicting sick leave ordinance, thereby opting out from under the Cook County Earned Sick Leave Ordinance.

Back on December 2, 2016, I wrote a Memorandum for the Board on the issue of the Cook County Minimum Wage Ordinance questioning the authority of Cook County to adopt and enforce the Cook County Minimum Wage Ordinance, but also citing Article VII, §6(c) of the Illinois Constitution which provides that "[i]f a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction." That same Constitutional provision applies to the Cook County Earned Sick Leave Ordinance as well. While I think the County's authority to impose such regulations is questionable, rather than challenge the Cook County Earned Sick Leave Ordinance in

court, or wait for the results of an inevitable challenge to it by an employer or another municipality, I recommend that the Village instead adopt its own sick leave ordinance establishing uniform sick leave regulations applicable to businesses throughout the Village to mirror the applicable State or Federal sick leave regulations.

It is my understanding that Bartlett business owners are aware of the Cook County Earned Sick Leave Ordinance and have requested that the Village take steps to "opt out". The attached Ordinance accomplishes that by expressly providing that the provisions of the Cook County Earned Sick Leave Ordinance shall not apply to businesses in Bartlett, and establishes sick leave regulations as provided in State and Federal law. Unlike State and Federal minimum wages, however, there currently is no Federal law that mandates that employers provide paid sick leave, but there is the Federal Family and Medical Leave Act ("FMLA") that will, under limited circumstances, mandate medical leave be granted. There is also the Illinois Employee Sick Leave Act that became effective January 1, 2017 (state law) that is not a paid sick leave law or requires employers to provide sick time, but only requires employers that have paid or unpaid sick leave benefits or paid time off policies to allow employees to also use half of their available sick leave for family member's illness. The Cook County Sick Leave Ordinance, on the other hand, goes much further and requires covered employers to provide paid sick leave that accrued and one (1) hour for every 40 hours work. If the Village does not pass the attached Ordinance, the patchwork of conflicting regulations applicable to Bartlett businesses will be even greater.

That being said, if the attached Ordinance is adopted, the Village or businesses that do not provide their employees with sick leave that meets or exceeds the requirements of the Cook County Earned Sick Leave Ordinance may not be eligible for certain discretionary Cook County benefits or programs, such as real estate tax deferral.

Accordingly, attached for the Board's consideration is An Ordinance Amending Title 1 of the Bartlett Municipal Code to Add New Chapter 17 Entitled "Regulations for Employee Sick Leave for Businesses Operating in Bartlett" to Conflict With the Cook County Earned Sick Leave Ordinance.

ORDINANCE 2017-36

AN ORDINANCE AMENDING TITLE 1 OF THE BARTLETT MUNICIPAL CODE TO ADD NEW CHAPTER 17 ENTITLED "REGULATIONS FOR EMPLOYEE SICK LEAVE FOR BUSINESSES OPERATING IN BARTLETT" TO CONFLICT WITH THE COOK COUNTY EARNED SICK LEAVE ORDINANCE

WHEREAS, the Village of Bartlett, an Illinois municipal corporation of Cook, DuPage and Kane Counties, Illinois, is a home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may regulate for the protection of the public welfare; and

WHEREAS, on October 5, 2016, the County of Cook Board of Commissioners enacted Ordinance 16-4229 known as the "Cook County Earned Sick Leave Ordinance" now codified as Sections 42-1 through 42-10, inclusive, of the County of Cook Code of Ordinances, which ordinance shall take effect on July 1, 2017; and

WHEREAS, given that the Village of Bartlett lies in three counties, the Cook County Earned Sick Leave Ordinance would result in different earned sick leave requirements on employers with employees that perform work in the Cook County portion of the Village, than employers of companies with employees that perform work in the DuPage County portion of the Village, and/or in the Kane County portion of the Village; and

WHEREAS, the Cook County Earned Sick Leave Ordinance places an undue and unequal burden on employers within the Village and would create a burdensome patchwork of regulation regarding earned sick leave that is not properly a matter of Statewide concern and is outside the power of the County of Cook to regulate, but to the extent that it has such authority, the Village of Bartlett pursuant to its authority under Article VII, Section 6(c) of the Illinois Constitution, finds that it is in the best interest of the Village, Village residents, Village employers, and the public's health, safety, welfare, government and affairs to amend the Bartlett Municipal Code to clearly define and establish earned sick leave that apply to all employers located within the Village as being those set forth in State Law and Federal Law as the same may be amended from time to time;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: That Title 1 of the Bartlett Municipal Code is hereby amended to add new Chapter 17, entitled Regulations for Earned Sick Leave for Businesses Operating in Bartlett, as follows:

CHAPTER 17

REGULATIONS FOR EARNED SICK LEAVE FOR BUSINESSES OPERATING IN BARTLETT

- 1-17-1: SHORT TITLE.
- 1-17-2: DEFINITIONS.
- 1-17-3: USE OF LEAVE; LIMITATIONS.
- 1-17-4: NO APPLICATION TO COLLECTIVE BARGAINING AGREEMENTS.
- 1-17-5: CONFLICT WITH THE COOK COUNTY EARNED SICK LEAVE ORDINANCE.
- 1-17-6: NO NOTICE AND POSTING REQUIREMENT.
- 1-17-7: ENFORCEMENT REGULATIONS.
- 1-17-8: NO PRIVATE CAUSE OF ACTION.

1-17-1: SHORT TITLE.

This Chapter shall be known and may be cited as the Village of Bartlett Earned Sick Leave Ordinance.

1-17-2: DEFINITIONS.

For purposes of this Chapter, the following terms, definitions and meanings set forth in Section 42-2 of the Cook County Earned Sick Leave Ordinance: "Agency", "Construction Industry", "Covered Employee", "Domestic Partner", "Earned Sick Leave", "Employee", "Employer", "Family Member" and "Health Care Provider" shall not be applicable to any employer whose place of business is located within the geographic boundaries of the Village of Bartlett, or to any employer who employs any employee that performs any work for an employer while physically present within the geographic boundaries of the Village of Bartlett. The definitions in the Cook County Sick Leave Ordinance which purport to establish different classifications and wage treatment of employers and employees than as set forth in State Law and Federal Law shall not apply. Notwithstanding the foregoing, the following definitions are applicable to this Chapter:

"Cook County Earned Sick Leave Ordinance" means Cook County Ordinance 16-4229, AN ORDINANCE ESTABLISHING EARNED SICK LEAVE IN COOK COUNTY codified at Chapter 42 – Human Relations, Article I., In General, Division 1, Cook County Earned Sick Leave Ordinance, Sections 42-1 – 42-10, as the same may be amended from time to time.

"Department" means the Illinois Department of Labor.

"Employee" means an individual permitted to work by an employer regardless of the number persons an employer employs, who in any particular two week period performs any work for an employer while physically present within the geographic boundaries of the Village of Bartlett.

“Employer” means an individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that gainfully employ at least one employee with a place of business within the geographic boundaries of the Village of Bartlett. The term “employer” does not mean:

- (1) the government of the United States or a corporation wholly owned by the government of the United States;
- (2) an Indian tribe or a corporation wholly owned by an Indian tribe;
- (3) the government of the State or any agency or department thereof; or
- (4) units of local government, including municipalities, townships, park districts, school districts, library districts, fire districts, or any other special district created by statute, or any agency or department of any such unit of local government, as said units of local government are also not included within the definition and meaning of “Employer” under the Cook County Earned Sick Leave Ordinance, and are excluded under this Chapter; however, nothing contained herein shall be construed to affect the applicability of any Federal or State law, regulation, requirement, policy or standard that mandates sick leave benefits.

“Employee Sick Leave Act” means the Illinois Employee Sick Leave Act (820 ILCS 191/1, *et seq.*) currently in force and as hereafter amended.

“Family and Medical Leave Act” means the United States Family and Medical Leave Act of 1993 (29 USC §2601, *et seq.*) as currently in force and hereafter amended.

“Personal Sick Leave Benefits” means time accrued and available to an employee to be used as a result of absence from work due to personal illness, injury, or medical appointment, but does not include absences for which compensation is provided through an employer’s plan and as defined in the Employee Sick Leave Act.

1-17-3: USE OF LEAVE; LIMITATIONS.

The use of sick leave and the limitations thereto as provided in Section 10 of the Employee Sick Leave Act and as provided in the Family Medical Leave Act shall apply to all employees of employers whose principal office, or any office, is located within the corporate limits of the Village of Bartlett, and all employees of such employers, and to any employee of any employer who performs work while physically present within the geographic boundaries of the Village of Bartlett, in lieu of the earned sick leave provisions of the Cook County Earned Sick Leave Ordinance.

1-17-4: NO APPLICATION TO COLLECTIVE BARGAINING AGREEMENTS.

Nothing in this Chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this Chapter, that being the minimum requirements under the Employee Sick Leave Act, the Family and Medical

Leave Act, as each may be amended from time to time, and any other applicable State or Federal Law.

1-17-5: CONFLICT WITH THE COOK COUNTY EARNED SICK LEAVE ORDINANCE.

This Chapter shall be deemed to conflict with the Cook County Earned Sick Leave Ordinance.

1-17-6: NO NOTICE AND POSTING.

The notice and posting requirements set forth in Section 42-6 of the Cook County Earned Sick Leave Ordinance, shall not apply to employers whose principal office or other office is located in the corporate limits of the Village of Bartlett. Employers shall not be required to post in a conspicuous place at each facility where any employee works that is located within the geographic boundaries of the Village of Bartlett, including those portions of the Village lying in Cook County, a notice advising the employee of the Cook County Earned Sick Leave Ordinance, and of his or her rights under said Cook County Earned Sick Leave Ordinance. Notwithstanding the foregoing, however, nothing contained in this Section shall be construed to waive or relieve any employer from the respective notice and posting requirements, if any, set forth in the Employee Sick Leave Act, the Family Medical Leave Act, or under any other State or Federal Law concerning sick leave.

1-17-7: ENFORCEMENT REGULATIONS.

The Village defers to the Director of the Illinois Department of Labor to enforce the Employee Sick Leave Act, and to any Federal authority authorized to enforce the Family and Medical Leave Act. The Village does not intend to adopt separate enforcement regulations, except to the extent necessary to conflict with the Cook County Earned Sick Leave Ordinance, or provide for enforcement of this Chapter.

1-17-8: NO PRIVATE CAUSE OF ACTION.

No Employee who is provided less than the minimum required earned sick leave set forth in Section 42-3 of the Cook County Earned Sick Leave Ordinance, or Section 1-17-3 of this Chapter, may recover in a civil action the amount of any such underpayment or greater amount or his or her costs and/or his or her reasonable attorney's fees, as State and Federal law adequately provide appropriate private remedies therefor.

SECTION TWO: SEVERABILITY. The various provisions of this Ordinance are to be considered as 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: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall be in full force and effect on July 1, 2017.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Kevin Wallace, Village President

ATTEST:

Lorna Giles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2017-36 enacted on May 2, 2017, and approved on May 2, 2017, as the same appears from the official records of the Village of Bartlett.

Lorna Giles, Village Clerk



Agenda Item Executive Summary

Item Name Amendment to Village Code - Village Officers Committee or Board Board

BUDGET IMPACT

Amount: n/a

Budgeted

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EXECUTIVE SUMMARY

The Bartlett Municipal Code outlines appointed officers created by statute or by ordinance. The proposed amendments are to clarify the appointment process, renewal and removal of officers, and a provision for an acting officer when the holder of the office is incapacitated or the office becomes vacant.

ATTACHMENTS (PLEASE LIST)

Memo

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

Staff: Paula Schumacher, Acting Village
 Administrator

Date: April 12, 2017

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MEMORANDUM

TO: President and Board of Trustees of the Village of Bartlett
Paula Schumacher, Acting Village Administrator

FROM: Bryan E. Mraz, Village Attorney

DATE: April 10, 2017

RE: Amendments to Bartlett Municipal Code Concerning
Appointive Village Officers

Attached find proposed amendments to Title 1, Chapter 8, of the Bartlett Municipal Code dealing with Village Officers and Employees. It is being presented in legislative style-redline format so that the Board can review proposed changes against the current existing Bartlett Municipal Code. The Village of Bartlett is a municipal corporation, and as with any corporation, it has officers and employees. The Village has elected officers, that being the Village President, its Board of Trustees, and the Village Clerk, but it also has appointed officers, which are created by statute or by ordinance, most of which are set out in Title 1 of Chapter 8 of the Bartlett Municipal Code. Generally officers are created by ordinance, by using the words "There is hereby created the office of _____" and the qualification for and the duties of each office are prescribed by statute or ordinance.

The current appointed offices of the Village of Bartlett created by Chapter 8 are as follows:

Article A	Village Administrator
Article B	Village Attorney
Article C	Village Treasurer
Article D	Village Budget Officer
Article E	Director of Public Works
Article F	Building Officials
	Director of the Building Department
	Electrical Inspector

	Plumbing Inspector
Article G	Health Officer
Article H	Chief of Police
	Deputy Chief (x 2)
	Commander (x 3)
Article I	Village Engineer

Note that not all of the Articles listed under Title 1, Chapter 8, create an office. For instance, Section 1-8D-2 creates the "position" of "director of finance", as opposed to creating the office of Finance Director, although that same person in practice has historically simultaneously held that position and two offices (1) Village Treasurer, and (2) Budget Officer. Similarly, there is no office created for Director of Community Development, but the Bartlett Zoning Ordinance creates the office of Zoning Officer, and the individual who currently holds that office, Jim Plonczynski, is also the Freedom of Information Officer.

All of the above appointive offices are appointed by the Village President with the advice and consent (or approval) of the Board of Trustees, with the exception of the Deputy Chiefs and the three Commanders in the Police Department, who are appointed by the Chief of Police.

Officers are appointed for a set term of office, usually for one year, but if longer the length of the term cannot exceed the term of the current Village President. Generally officers take an oath of office, post a bond, and have permanent public and fixed duties that involve discretion and are not merely ministerial acts. Officers are distinguished from mere employees or agents of a municipality. When the Bartlett Municipal Code simply creates a "position", the holder of that position is considered an employee and not an appointed officer with respect to that position. Generally appointed officers are appointed and removed by the Village President acting in concert with the Board, but employees are hired and fired/removed by the Village Administrator. In the attached draft of proposed changes to the Bartlett Municipal Code, I have not proposed to create any new offices or delete any existing offices.

Some confusion was created when in 1984 the powers of the Village Administrator were amended to provide that "The Administrator shall have the authority to appoint, suspend or remove all employees of the Village of Bartlett, subject to the provisions of the Illinois Revised Statutes and the Bartlett Personnel Code". That 1984 amendment sunsetted by its own terms upon the expiration of the tenure of the previous village administrator, however, while enacted it did cause some confusion, but that had more to do with the vague distinction in the law between officers and employees, and the hiring of employees vs. the appointment of officers. Most of the offices created in the Bartlett Municipal Code were created by ordinance in 1968, including the power to appoint them granted to the Village President with the Board's consent. The language which provided that those offices are to be appointed by the Village President with the consent of the Board predated the authority given to the Village Administrator regarding the appointment and removal of employees, but those sections (Articles A through I of Chapter 8) were not

amended in 1984 when the Village Administrator's authority regarding employees was expanded.

In the attached redline, removal of those officers has been updated to comply with the current provisions of the Illinois Municipal Code (65 ILCS 5/3.1-35-10) which provides that:

"Except where otherwise provided by statute, the mayor or president may remove any officer appointed by the mayor or president under this Code on any written charge whenever the mayor or president is of the opinion that the interests of the municipality demand removal. The mayor or president shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than 5 nor more than 10 days after the removal. If the mayor or president fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a two-thirds vote of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed."

This general removal provision is now added as new Section 1-8-10 and under many of the Articles that create the various offices. Also, most of the offices have been amended to include an acting officer when the holder of the office is incapacitated or the office becomes vacant. The appointment of an acting officer is by the Village President with the consent of the Board.

Going forward, beginning at the first meeting in May of this year, and the first meeting in May of each year thereafter (in all cases except the Village Administrator), the Village President should re-appoint the various officers and a motion should be made and voted upon to consent to those annual appointments. This is consistent with and similar to some of the one year contracts with independent contractors that the Board votes on each year in May, including the Village Attorney, the Administrative Hearing Officer and the Village Prosecutor.

ARTICLE A. VILLAGE ADMINISTRATOR

1-8A-1: CREATION OF OFFICE:

1-8A-2: APPOINTMENT:

1-8A-3: REMOVAL FROM OFFICE:

1-8A-4: BOND, OATH AND COMPENSATION:

1-8A-5: POWERS AND DUTIES WITH REFERENCE TO FISCAL MATTERS:

1-8A-6: POWERS AND DUTIES WITH REFERENCE TO VILLAGE ADMINISTRATION:

1-8A-7: CONFLICT OF INTEREST:

1-8A-8: ACTING VILLAGE ADMINISTRATOR:

1-8A-1: CREATION OF OFFICE:

There is hereby created the office of village administrator, an administrative office of the village. (Ord. 82-18, 3-16-1982)

1-8A-2: APPOINTMENT:

The village administrator shall be appointed by the village president by and with the advice and consent of the board of trustees for ~~such term as determined at the time of his or her appointment or by contract, but in no event shall the term exceed that of the village president appointing him or her.~~ The village administrator shall be appointed by the village president with the advice and consent of the board of trustees. The confirmation of such appointment shall be considered by the board of trustees solely on the basis of executive and administrative qualification with special reference to actual experience in or knowledge of accepted practice with respect to the duties of the office hereinafter set forth, and such requirements and qualifications are hereby declared to be of such a nature as to require technical training or knowledge. At the time of the administrator's appointment, the village administrator need not be a resident of the village or of the state of Illinois, but during the administrator's tenure of office the administrator shall reside within the village.

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1-8A-3: REMOVAL FROM OFFICE:

~~The village administrator may be removed by the village president on any formal charge whenever the president is of the opinion that the interests of the village demand removal. Such removal is subject to the payment of any valid remaining portion of his or her contract, if hired by contract. The president shall report the reasons for such removal to the village board at a meeting to be held not less than five (5) nor more than ten (10) days after the removal. If the president fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities, by a two-thirds (2/3) vote of all members authorized by law to be elected, disapproves of the removal, the village administrator, thereupon shall be restored to the office of village administrator. The vote shall be by yeas or nays, which shall be so entered into the journal of the corporate authorities. Nothing contained herein shall preclude the corporate authorities from discussing the discipline, performance or removal of the village administrator pursuant to Section 2(c)(3) of the Open Meetings Act¹ in executive session, however, the roll call vote, if any, on whether or not to restore the village~~

Deleted: During the absence or disability of the village administrator, the village president, with the advice and consent of the board of trustees, may designate some properly qualified person to act as village administrator pro tempore to perform the duties of the office. (Ord. 82-18, 3-16-1982)]
¶

Deleted: The village administrator may be removed from office at any time by a majority vote of the corporate authorities then holding office. (Ord. 82-18, 3-16-1982)

¹ 5 ILCS 120/2(c)(3)

~~administrator shall be made in open session at a regular, special, rescheduled or reconvened meeting of the corporate authorities. Upon restoration, the village administrator shall give a new bond and take a new oath of office.²~~

1-8A-4: BOND, OATH AND COMPENSATION:

- A. Bond: Before entering upon the duties of office, the village administrator shall furnish a surety bond in the amount set out in section [1-8-5](#) of this chapter, to be approved by the board of trustees, said bond to be conditioned on the faithful performance of the administrator's duties. The premium for the bond shall be paid by the village.
- B. Oath: Before entering upon the duties of office, the village administrator shall take and subscribe the oath prescribed by the statutes of the state of Illinois in such case provided.
- C. Compensation: The village administrator shall receive compensation in such amount and manner as the president and board of trustees shall fix from time to time by ordinance or resolution. (Ord. 82-18, 3-16-1982)

1-8A-5: POWERS AND DUTIES WITH REFERENCE TO FISCAL MATTERS:

The village administrator shall have the following powers and duties:

- A. On or before March 1 of each year, the village administrator, in conjunction with the budget officer and the department heads, shall submit to the corporate authorities a proposed budget for the forthcoming year, including an estimate as nearly as may be of the money necessary to defray the expenses of the village during the next fiscal year, and in said report shall classify and detail the purposes of recommended expenditures, the aggregate income of the preceding year, the proposed income for the forthcoming year categorized by source, the village liabilities, and such other information as is necessary to assist the president and board of trustees to adopt a budget.
- B. For the purpose of preparing the aforesaid estimate, the village administrator is authorized to require all department heads to submit statements of the condition and expenses of their respective departments, a description of proposed village improvements, and the probable expense thereof, a description of all unperformed contracts, and a statement of the amount of all unexpended appropriations of the preceding year.
- C. The village administrator shall recommend to the village president and the board of trustees the salaries to be paid each department head of the village.
- D. The village administrator shall supervise the issuance and sale of all bonds, warrants and obligations. (Ord. 82-18, 3-16-1982)
- E. The village administrator shall ~~act as purchasing agent for the village and make or supervise all necessary purchases of services, goods, materials, supplies and equipment by the village, and all contracts therefor. The village administrator shall have the power to enter all contracts for services and purchase of goods, materials, supplies and equipment involving up to \$20,000 without the prior approval of the village board, provided funds for the services, goods, materials, supplies and/or equipment are provided in the budget, and subject also to the statutes of the~~

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² 65 ILCS 5/3.1-35-10

state of Illinois pertaining to creation of liabilities against the village and pertaining to the expenditures or appropriations of the monies of the village, but in no event may the administrator purchase any item ~~or enter any contract~~ which would result in exceeding the budget amount until the president and board of trustees have amended the budget or legally provided for such additional expenditure. ~~While~~ the village administrator is authorized to make budgeted expenditures of materials, supplies, equipment and enter contracts for ~~any work or public improvement~~ for all budgeted expenditures of twenty thousand dollars (\$20,000.00) or less without preliminary authorization from the president and board of trustees, ~~for such items and contract for any work or public improvement over \$10,000, at least two price quotes or proposals shall be obtained when practical, and the items purchased or the contract entered from the lowest proposer or from a supplier located within the Village if the price is within 10% of the other quote or proposal. All contracts for any work or public improvement in excess of \$20,000 and/or purchase orders for the purchase of equipment, materials and supplies (other than gasoline) and contracts for public improvements shall be (i) publicly bid and awarded to the lowest responsible and responsive bidder, (ii) purchased through the state of Illinois Joint Purchase Program if the equipment, materials and supplies are available therefrom, (iii) purchased through a joint purchasing alliance of a public body through a process that satisfies the Illinois Procurement Code as determined by the village attorney, or (iv) when contracts by their nature are not adapted to award by public bidding, such as (a) design services or technical specifications are required from proposers together with pricing for equipment and/or materials and the installation thereof on village property or in village facilities; (b) utility services such as water, light, heat, or telephone, (c) contracts for the use, purchase, delivery, movement or installation of data processing equipment, telecommunications and interconnect equipment, software or services; (d) contracts for duplicating or copying machines and supplies; and (e) purchases of used equipment, then when and to the extent practicable a request for qualifications and/or request for proposal process shall be utilized . All contracts for any work or public improvement in excess of twenty thousand dollars (\$20,000.00) shall be let to the lowest responsible bidder after advertising for bids, provided however, that any such contract may be entered into without advertising for bids, if authorized by a vote of two-thirds (2/3) of the trustees then holding office. The village administrator shall make recommendations to the board of trustees with regard to any such bids, purchases and proposals and the waiver of bids as required. The village administrator is authorized to execute purchase orders for gasoline purchases even though said purchase may be in excess of twenty thousand dollars (\$20,000.00) without advertising for bids and without preliminary authorization from the president and board of trustees provided said purchase order is entered with the supplier who has quoted the lowest price therefor among not less than two (2) gasoline suppliers who have furnished written price quotes to the director of public works for each such purchase order.~~

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- F. The village administrator, in conjunction with the village treasurer, shall each month cause to be prepared and shall present to the board of trustees a statement showing the exact financial condition of the village as of the end of the preceding month.
- G. The village administrator shall give such additional reports and information concerning the fiscal matters of the village as may from time to time be required by the board of trustees. (Ord. 82-18, 3-16-1982)
- H. ~~The village administrator shall act as the business manager of the village under the direction and control of the president and board of trustees and in cooperation with the village finance director-treasurer; control and direct all expenditures made by the village; supervise the keeping of all necessary records and books of accounts of the village that are under the supervision of the finance director-treasurer by ordinance or statute.~~

1-8A-6: POWERS AND DUTIES WITH REFERENCE TO VILLAGE ADMINISTRATION:

In addition to the above duties, the village administrator shall perform such other duties as are herein provided.

The village administrator shall be the chief administrative officer of the village and shall be responsible to the village president and to the board of trustees for the administration and operation of all of the affairs and the departments of the village. As such administrative officer, the administrator shall have the administration and control of all matters and things pertaining to the operation and maintenance of the properties of the village and of all of the departments of the village, including the public works department, the community development department, the building department, the finance department, the police department, and the general offices of the village. The village administrator shall also have supervision of such other administrative agencies and departments and officers as may be hereafter created by the board of trustees. Specifically, but not in limitation of the above, the administrator shall have the following additional powers and duties: (Ord. 82-18, 3-16-1982)

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A. The administrator shall have the authority to appoint, suspend or remove all employees of the village subject to the provisions of the Illinois Compiled Statutes and the Bartlett personnel code. This shall not be taken to include elected officials, employees subject to article 10, division 2.1 "Board Of Fire And Police Commissioners" of the Illinois municipal code , any appointed village commissioner, and part time professionals hired on a retainer or contractual basis. No appointment shall be made upon any basis other than merit and fitness. ~~This shall also not be taken to include the authority to appoint or remove persons to or from appointive offices created by this chapter or other provision of the Bartlett Municipal Code, or by statute, who are required to be appointed by the village president alone or by the village president with the advice and consent of the board, but shall include the power to suspend such appointed officer. Upon suspending any appointive officer, the administrator shall submit or shall cause the village labor counsel to submit, to the board at the next meeting following such suspension a statement concerning such suspension and the reasons therefor.~~

~~The administrator shall have the authority to recommend to the village president and board the appointment of all appointive officers, and to recommend to the village president the removal of any officer of the village required by law or ordinance to be appointed by the village president acting alone, or by the village president with the advice and consent of the board, and to recommend to the board whether any such removed officer should be restored to office, subject to the provisions of the Illinois Compiled Statutes and approval by the president and board of trustees. This shall not be taken to include elected officials, employees subject to article 10, division 2.1, "Board Of Fire And Police Commissioners" of the Illinois municipal code. No recommendation for appointment shall be made upon any basis other than merit and fitness. Any recommendation for either hiring or removal shall be made without regard to political belief or affiliation~~

Deleted: This amendment shall be effective only for the duration of the tenure in office of the present village administrator and shall expire upon the termination of that tenure, and shall be of no force and effect thereafter. Upon expiration of the tenure of the present village administrator, the present provisions of this subsection: .
Deleted: , suspension or removal of all salaried employees of the village
Deleted: , any appointed village commissioner, and part time professionals hired on a retainer or contractual basis
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B. The village administrator shall attend all meetings of the president and board of trustees unless excused therefrom by the president and board of trustees, except when the administrator's employment is under consideration by the president and board of trustees. The administrator shall have the privilege of taking part in the discussion of all matters coming before the president and board of trustees and shall be entitled to notice of all meetings, regular and special, of the president and board of trustees. The village administrator shall not have the right to vote on matters coming before the president and board of trustees.

- C. With the approval of the board of trustees, the village administrator shall consolidate, combine or reorganize positions or units under the administrator's jurisdiction.
- D. The village administrator shall make investigations into the affairs of the village or any department or division thereof, and shall investigate all complaints in relation to matters concerning village services and village administration.
- E. The village administrator shall devote the administrator's entire time to the discharge of official duties.
- F. The village administrator shall perform such other duties as may be required by the corporate authorities consistent with the village ordinances and the statutes of the state of Illinois. (Ord. 82-18, 3-16-1982)

1-8A-7: CONFLICT OF INTEREST:

The village administrator shall abide by the relevant provisions of the Illinois Compiled Statutes pertaining to conflicts of interest, disclosures of economic interests and contracts, including, but not limited to 65 Illinois Compiled Statutes 5/3.1-55-10 and 5 Illinois Compiled Statutes 420/4A-101, et seq., and as the same and any other relevant provisions of the state statutes may be amended from time to time by the Illinois general assembly. The village administrator shall promptly disclose any potential conflict of interest to the president and board of trustees.

1-8A-8: ACTING VILLAGE ADMINISTRATOR:

In the event the village administrator shall be incapacitated from performing the duties of his or her office, or in the event of a vacancy in the office village administrator, a qualified person shall be appointed as acting village administrator by the president, with the advice and consent of the board of trustees, during such absence, incapacity or vacancy, with all the powers and duties of that office, who shall perform all the duties thereof without furnishing any additional bond if such appointee shall already be under bond in any other capacity. If such appointment shall be a person not already under bond to the village, such appointee shall furnish a bond in such amount and with such surety as may be approved by the president and board of trustees, unless said bond is waived by the president and board of trustees. The compensation to be paid the acting village administrator or the additional compensation above his or her regular compensation in the case where an existing officer or employee is appointed acting village administrator and continues to also perform the duties of his or her prior position, shall be fixed by the president and board of trustees.

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) 65 ILCS 5/10-2.1-1 et seq.

[Footnote 2:](#) 65 ILCS 5/10-2.1-1 et seq.

ARTICLE B. VILLAGE ATTORNEY

1-8B-1: CREATION OF OFFICE, APPOINTMENT AND BOND:

1-8B-2: SPECIAL COUNSEL:

1-8B-3: GENERAL POWERS AND DUTIES:

1-8B-4: COMPENSATION:

1-8B-5: SPECIAL ASSESSMENT AND CONDEMNATION PROCEEDINGS,

COMPENSATION:

1-8B-6: ACTING VILLAGE ATTORNEY:

1-8B-1: CREATION OF OFFICE, APPOINTMENT AND BOND:

There is hereby created the office of village attorney, an executive office of the village. The attorney shall be appointed by the village president, with the advice and consent of the board of trustees, to serve a term of one year. The bond of the village attorney shall be fixed as set out in subsection

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1-8B-2: SPECIAL COUNSEL:

The village president, with the consent of the board of trustees, may from time to time retain an attorney to represent or advise the village on legal matters if no village attorney has been appointed; and he may likewise retain special counsel to advise or represent the village on special matters or to assist the village attorney. (1988 Code §4.102)

1-8B-3: GENERAL POWERS AND DUTIES:

- A. Attendance At Meetings: The attorney shall attend all meetings of the president and board of trustees and all meetings of the board of local improvements. (1988 Code §4.106)
- B. Ordinances And Documents: The attorney shall, on direction of the president or board of trustees, draft or supervise the drafting of all ordinances and resolutions to be acted on, and all contracts or other documents in which the municipality is interested. (1988 Code §4.103)
- C. Suits And Actions: The attorney shall prosecute or defend any and all suits or actions at law or equity to which the village may be a party or in which it may be interested, or which may be brought against or by any officer of the village on behalf of the village or in the capacity of such person as an officer of the village, except such suits or actions as are defended by attorneys retained by the village's insurance carriers pursuant to their rights under insurance policies, or the village's risk management agency in accordance with its bylaws and the rights of its excess insurers under applicable insurance policies, or traffic or housing court citations prosecuted by the village prosecutor or matters brought before the village's administrative hearing officer that hears administrative adjudication matters.
- D. Advice: The attorney shall be the legal advisor of the village and shall render advice on all legal questions affecting it, whenever requested to do so by any village official. Upon request by the

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president or the board of trustees, he shall reduce any such opinion to writing. (1968 Code §4.105)

1-8B-4: COMPENSATION:

The attorney shall receive such compensation as may be decided from time to time by the board of trustees. (1968 Code §4.107)

1-8B-5: SPECIAL ASSESSMENT AND CONDEMNATION PROCEEDINGS, COMPENSATION:

The attorney shall carry through to completion all special assessment proceedings and condemnation proceedings for which he shall receive additional compensation based upon the fair and reasonable value of his services. (1968 Code §4.108)

1-8B-6: ACTING VILLAGE ATTORNEY:

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In the event the village attorney shall be incapacitated from performing the duties of his or her office, or in the event of a vacancy in the office village attorney, a qualified person shall be appointed as acting village attorney by the president, with the advice and consent of the board of trustees, during such absence, incapacity or vacancy, with all the powers and duties of that office, who shall perform all the duties thereof without furnishing any additional bond if such appointee shall already be under bond in any other capacity. If such appointment shall be a person not already under bond to the village, such appointee shall furnish a bond in such amount and with such surety as may be approved by the president and board of trustees, unless said bond is waived by the president and board of trustees.

ARTICLE C. VILLAGE TREASURER

1-8C-1: APPOINTMENT AND TERM:

1-8C-2: BOND:

1-8C-3: DUTIES:

1-8C-4: DEPOSIT OF FUNDS:

1-8C-5: RECORDS AND REPORTS:

1-8C-6: ACCOUNTS:

1-8C-7: WARRANTS, TRANSFER OF FUNDS:

1-8C-8: ACTING VILLAGE TREASURER:

1-8C-1: APPOINTMENT AND TERM:

There is hereby created the office of village treasurer, who shall be appointed by the village president by and with the advice and consent of the board of trustees, to serve a term of one year. (1968 Code §4.801)

1-8C-2: BOND:

The village treasurer shall give a bond before entering upon the duties of his office in the amount set out in subsection [1-8-5A](#) of this chapter. This bond shall be conditioned upon the faithful performance of his duties as the treasurer, and shall be conditioned to indemnify the village for any loss by reason of any neglect of duty or any act of the treasurer. (1968 Code §4.802)

1-8C-3: DUTIES:

The treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid into the hands of such other officer or employee as may receive it, and he shall pay out money only on vouchers or orders properly signed by the village president and the village clerk. (1968 Code §4.803)

In addition, the treasurer shall collect and receive all money due on special assessments and special taxes, and shall keep such records pertaining to such collection as may be required by statute or ordinance¹. (Ord. 77-8, 3-1-1977, eff. 4-20-1977)

All monies received on any special assessment shall be held by the treasurer as a special fund to be applied only to the payment of the improvement or bonds and vouchers issued therefor, together with interest thereon, for which the assessment was made. Payments on bonds or vouchers shall be made in accordance with the statutes². (1968 Code §4.807)

1-8C-4: DEPOSIT OF FUNDS:

The treasurer shall deposit the village funds not less frequently than once each week in such depositories as may be selected from time to time as provided by law³; and he shall keep the deposits of the village money separate and distinct from his own money, and shall not make private or personal use of any village money. (1968 Code §4.804)

1-8C-5: RECORDS AND REPORTS:

- A. The treasurer shall keep records showing all money received and paid out by him, showing the source from which it is received and the purpose for which it is paid, and he shall keep records at all times showing the financial status of the village. (1968 Code §4.805)
- B. The treasurer shall make such reports regarding delinquent special assessments as are required by statute, and shall make a monthly report to the board of trustees showing what money has been received and the sources thereof. The treasurer shall also make an annual report during the last month of the fiscal year showing the activities of his office⁴. (Ord. 77-8, 3-1-1977, eff. 4-20-1977)

1-8C-6: ACCOUNTS:

The treasurer shall keep such books and accounts as may be required by statute or ordinance, and he shall keep them in the manner required by the board of trustees. (1968 Code §4.806)

1-8C-7: WARRANTS, TRANSFER OF FUNDS:

All warrants drawn on the treasury must be signed by the village president and countersigned by the village clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable. (1968 Code §4.808)

1-8C-7: ACTING VILLAGE TREASURER:

In the event the village treasurer shall be incapacitated from performing the duties of his or her office, or in the event of a vacancy in the office of village treasurer, a qualified person shall be appointed as acting village treasurer by the president with the advice and consent of the board of trustees during such absence, incapacity or vacancy with all the powers and duties of that office, who shall perform the duties thereof without furnishing any additional bond if such appointee shall already be under bond in any other capacity.

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See subsection [1-8D-2B](#) of this chapter for provisions applicable to the village director of finance.

[Footnote 2](#): 65 ILCS 5/9-2-132.

[Footnote 3](#): 65 ILCS 5/3-10-3.

[Footnote 4](#): 65 ILCS 5/3-10-3.

ARTICLE D. VILLAGE BUDGET OFFICER AND DIRECTOR OF FINANCE

1-8D-1: BUDGET OFFICER:

1-8D-2: DIRECTOR OF FINANCE:

1-8D-1: BUDGET OFFICER:

A. Office Created, Appointment: There is hereby established the office of budget officer of the village. The budget officer shall be appointed by the village president with the ~~advice and consent~~ of the board of trustees ~~for a term of one year~~, and said budget officer may hold another municipal office, either elected or appointed.

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B. Oath Of Office: Before entering upon the duties of that office, the budget officer shall take the oath of office required in section 1-8-4 of this chapter, which oath shall be filed in the office of the village clerk.

C. Bond Of Office: Before entering upon the duties of his office, the budget officer shall execute a bond with security approved by the corporate authorities, payable to the village in the amount set out in subsection 1-8-5A of this chapter, conditioned upon the faithful performance of the duties of the office of budget officer and payment of all monies received by the budget officer, according to law and also the ordinances of the village. Such bond may provide that the obligation of the sureties shall not extend to any loss sustained by the insolvency, failure or closing of any bank organized and operated either under the laws of the state of Illinois or the United States wherein such officer has placed funds in his custody, if the bank has been approved by the corporate authorities as a depository for these funds.

D. General Powers And Duties: The budget officer shall have the following powers and duties:

1. Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting and other fiscal management procedures in all municipal departments, commissions and boards.
2. Compile an annual budget in accordance with 65 Illinois Compiled Statutes 5/8-2-9.3.
3. Examine all books and records of all municipal departments, commissions and boards which relate to monies received by the village, municipal departments, commissions and boards and paid out by the village, municipal departments, commissions and boards, debts and accounts receivable, amounts owed by or to the municipality, municipal departments, commissions and boards.
4. Obtain such additional information from the municipality, municipal departments, commissions and boards as may be useful to the budget officer for purposes of compiling a municipal budget, such information to be furnished by the village, municipal departments, commissions and boards in the form required by the budget officer. Any department, commission or board which refuses to make such information as is requested of it available to the budget officer shall not be permitted to make expenditures under any subsequent budget for the municipality until such municipal department, commission or board shall comply in full with the request of the budget officer.

5. Establish and maintain such procedures as shall ensure that no expenditures are made by the municipality, municipal departments, commissions or boards except as authorized by the budget.
6. Subject to prior written approval of the budget officer, the heads of municipal departments are hereby authorized to delete, add to, change or create subclasses within object classes budgeted previously to their departments. (Ord. 71-1, 1971)

E. Acting Budget Officer: In the event the budget officer shall be incapacitated from performing the duties of his or her office, or in the event of a vacancy in the office of budget officer, a qualified person shall be appointed as acting budget officer by the president with the advice and consent of the board of trustees during such absence, incapacity or vacancy with all the powers and duties of that office, who shall perform the duties thereof without furnishing any additional bond if such appointee shall already be under bond in any other capacity.

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1-8D-2: DIRECTOR OF FINANCE:

- A. Position Created: There is hereby created the position of director of finance.
- B. General Duties And Responsibilities: The director of finance shall be responsible for technical and administrative work in planning, organizing and directing the activities of the finance department.

Work responsibilities shall include overall administration and direction of the finance department, including budgeting, accounting, purchasing coordination, cash management and debt administration. Supervision shall be exercised over subordinate technical and clerical personnel in the various departmental activities. Considerable emphasis and responsibility shall be directed at policy formulation and financial analysis of village operations as well as the development of effective procedures and procedural improvements in the fiscal system of the village. Work shall be performed under the general administrative direction of the village administrator and shall be reviewed through conferences, reports and independent audits.

The director of finance shall:

1. Plan, organize, coordinate and direct the financial operations of the village; supervise and review the general procedures, methods and results of the various functional units of the finance department including accounting, budgetary data accumulation, payroll and employee benefit accounting, water billing and payment recording, receivable and payable accounting, and the coordination of electronic data processing of the village's financial data.
2. Confer with and advise subordinate personnel on work problems; conduct meetings with technical staff and explain work techniques and resolve operational problems.
3. Direct the maintenance of the central accounting system; direct the investment of surplus monies as permitted by law; direct the custody of all monies, funds and securities; meet with representatives of financial institutions and discuss bond issuance costs and advise the village administrator on the proper administration of bond issues and support recommendations with necessary information.
4. Develop budget forms and procedures to be used in the development of the annual village budget; assist department heads in budget preparation; develop revenue estimates; and, after approval of the budget, prepare monthly financial statements and assist in solutions to any budgetary problems.
5. Supervise the preparation of the payroll and benefit administration.

6. Develop cost information and apply cost analysis to various proposed capital improvements and major village projects. (Ord. 82-75, 11-16-1982)
7. Effective immediately following the discontinuance of the office of collector, it shall be the duty of the director of finance to collect and receive all money due on special assessments and special taxes that is not paid directly to the treasurer, and keep such records pertaining to such collection as may be required by statute or ordinance.
8. Effective immediately following the discontinuance of the office of collector, the director of finance shall issue licenses and permits, and provide forms therefor, where no provision to the contrary is made by statute or ordinance; and the director of finance shall collect and receive all monies previously collected and/or received by the village collector, including, but not limited to, all fees paid or required for licenses and permits in the absence of any provision to the contrary by ordinance or statute.
9. Effective immediately following the discontinuance of the office of collector, the director of finance shall make such reports regarding delinquent special assessments, as required by statute, and shall make a monthly report to the board of trustees showing what money has been received and the sources thereof. (Ord. 2008-108, 10-21-2008, eff. 4-30-2009)

C. Acting Finance Director. In the event the finance director shall be incapacitated from performing the duties of his or her position, or the position becomes vacant, the village administrator may appoint an acting finance director, who shall have all the power and duties of that position until any such incapacity ends and the finance director returns to work and fulfills the duties of that position, or in the case of a vacancy, until a new finance director is hired.

ARTICLE E. DIRECTOR OF PUBLIC WORKS

1-8E-1: OFFICE CREATED, APPOINTMENT:

1-8E-2: GENERAL POWERS AND DUTIES:

1-8E-1: OFFICE CREATED, APPOINTMENT:

There is hereby created the office of Director of Public Works, an executive office of the Village. The said Director shall be appointed by the President by and with the advice and consent of the Board of Trustees for a term of one year. (1968 Code, §4.701)

1-8E-2: GENERAL POWERS AND DUTIES:

The Director of Public Works shall:

- A. Village Property: Be the custodian of all property of the Village which is not assigned to the care or custody of any other officer. (1968 Code, §4.707)
- B. Streets: Have charge of the construction and care of all public streets, alleys and driveways in the Village, and keeping the same clean. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects. (1968 Code, §4.702)
- C. Street Lighting: Supervise the lighting of the public streets and alleys, and keep the lighting system in efficient operation and good repair. (1968 Code, §4.703)
- D. Waterworks: Have charge of the operation and maintenance of the Municipal water distribution system. (1968 Code, §4.704)
- E. Sewers: In the absence of provisions to the contrary, he shall have charge of the construction and maintenance of all public sanitary and storm water sewers in the Village. (1968 Code, §4.705)
- F. Supervise Employees: All officers or employees assigned to the Department of Public Works shall perform their duties subject to the orders and under the supervision of the Director of Public Works. (1968 Code, §4.706)
- G. Acting Director of Public Works: In the event the director of public works shall be incapacitated from performing the duties of his or her office, or in the event of a vacancy in the office of director of public works, a qualified person shall be appointed as acting director of public works by the president with the advice and consent of the board of trustees during such absence, incapacity or vacancy with all the powers and duties of that office, who shall perform the duties thereof without furnishing any additional bond if such appointee shall already be under bond in any other capacity.

ARTICLE F. BUILDING OFFICIALS

1-8F-1: DIRECTOR OF BUILDING DEPARTMENT:

1-8F-2: ELECTRICAL INSPECTOR:

1-8F-3: PLUMBING INSPECTOR:

1-8F-1: DIRECTOR OF BUILDING DEPARTMENT:

- A. Creation of Office; Appointment; Bond: There is hereby created the office of Director of the Building Department who shall be appointed by the Village President with the advice and consent of the Board of Trustees for a term of one year. The bond of the Director of the Building Department shall be fixed by the Board at the time of his appointment.¹
- B. Qualifications: To be eligible for appointment, the Building Director shall be generally informed on the quality and strength of building materials and prevailing methods of construction for safety, comfort and convenience.
- C. Duties: It shall be the duty of the Building Director to supervise the inspection of all buildings and structures being constructed, repaired or altered, as frequently as may be necessary to insure compliance with Village ordinances and to supervise those individuals empowered to act as building inspectors, plumbing inspectors and electrical inspectors.
1. Ex-Officio Plumbing Inspector: The Building Director shall act as ex-officio plumbing inspector and shall have the powers and perform all the duties connected with that office.
 2. Ex-Officio Electrical Inspector: The Building Director shall act as ex-officio electrical inspector and shall have the powers and perform all the duties connected with that office.
- D. Stop Orders: The Building Director shall have the power to order all work stopped on construction, alteration or repair of buildings in the Village when such work is being done in violation of any provision of any ordinance relating thereto or in violation of the zoning regulations of the Village. Work shall not be resumed after the issuance of such an order except on the written permission of the Building Director; provided, however, that if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such stop order may be served by any building official or police officer.
- E. Entry Powers: The Building Director shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing of any building or structure is going on, for the purpose of making inspections at any reasonable hour.
- F. Copies of Permits to Assessors: In addition to all other duties, the Building Director shall forward to the Township Assessor and County Assessor a copy of each building permit issued within fifteen (15) days of such issuance. Each such copy shall show the legal description of the lot or area concerned, and the area estate index number, if any.
- G. Penalty: Any person who shall continue work in violation of a stop order of the Building Director shall be fined not less than ~~one hundred~~ dollars (\$100.00) nor more than ~~one thousand~~ dollars (\$1,000.00) for each day on which any work in violation of such stop order is done.

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H. Acting Building Director. In the event the building director shall be incapacitated from performing the duties of his or her office, or in the event of a vacancy in the office of building director, a qualified person shall be appointed as acting building director by the president with the advice and consent of the board of trustees during such absence, incapacity or vacancy with all the powers and duties of that office, who shall perform the duties thereof without furnishing any additional bond if such appointee shall already be under bond in any other capacity.

Deleted: (Ord. 77-20, 6-7-77; amd. 1983 Code)

1-8F-2: ELECTRICAL INSPECTOR:

The office of Electrical Inspector is hereby created. The Electrical Inspector shall be appointed by the Village President with the approval of the Board of Trustees and shall serve at their discretion. The duties of the Electrical Inspector shall include the examination of plans and specifications for, and the inspection of all electric wiring and equipment, and enforcement of all provisions of this Code affecting electrical work.

1-8F-3: PLUMBING INSPECTOR:

The office of Plumbing Inspector is hereby created. The Plumbing Inspector shall be licensed by the State of Illinois and appointed by the Village President with the approval of the Board of Trustees and shall serve at their discretion. The duties of the Plumbing Inspector shall include the examination of plans and specifications for and the inspection of all plumbing, sewerage and drainage installations, and enforcement of all provisions of this Code affecting plumbing and drainage not otherwise required by law to be enforced by other officials. (Ord. 73-29, 12-4-73)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See Section [1-8-5A](#) of this Village Code.

ARTICLE G. HEALTH OFFICER

1-8G-1: OFFICE CREATED; BOND:

1-8G-2: POWERS AND DUTIES:

1-8G-3: REPORTS:

1-8G-1: OFFICE CREATED; BOND:

There is hereby created the office of Health Officer, an executive office of the Village. Said Health Officer shall be appointed by the Village President by and with the advice and consent of the Board of Trustees for a term of one year. (1968 Code, §§4.601, 4.604)

1-8G-2: POWERS AND DUTIES:

A. General: It shall be the duty of the Health Officer to enforce all Village ordinances containing provisions for the protection of public health. He shall make inspection of foodstuffs and of the premises used for storing or selling of provisions, and he shall perform such other duties and functions as may be required by statute or ordinance.

The Health Officer shall enforce all the rules and orders of the Board of Health, and shall attend the meetings of said Board when requested to do so by the presiding officer. (1968 Code, §4.602)

A reinspection fee of twenty five dollars (\$25.00) per Inspection shall be charged in every instance where the party requesting the inspection fails to meet the requirements of any Village ordinance containing provisions for the protection of public health or fails to keep an appointment with the Health Officer. (Ord. 84-83, 11-6-84)

B. Supervision: The Health Officer shall have and exercise a general supervision over the sanitary condition of the Village. All orders and directions emanating from the Health Department in the name of the Health Officer shall be performed by said Health Officer. (1968 Code, §4.605)

1-8G-3: REPORTS:

The Health Officer shall make such reports to the Board of Trustees as may be required. He shall also make recommendations for rulings, orders or ordinances respecting the public health, whenever he is requested to do so, or whenever he deems it advisable or necessary. (1968 Code, 84.603)

ARTICLE H. CHIEF OF POLICE

1-8H-1: CHIEF OF POLICE:

1-8H-2: ADMINISTRATIVE ASSISTANT TO THE CHIEF OF POLICE:

1-8H-3: DEPUTY CHIEF:

1-8H-4: VACATION OF POSITION:

1-8H-5: COMMANDER:

1-8H-1: CHIEF OF POLICE:

- A. Office Created: There is hereby created the office of chief of police. The chief shall be appointed by the village president ~~with the advice and consent of the~~ board of trustees; provided, that if any police officer or patrolman shall be appointed chief of police, he shall, while so serving, retain whatsoever rank he held in the police department and resume such rank when his services as chief terminate. (1968 Code, §5.003)
- B. Qualifications: No person shall be eligible to hold the office of chief of police unless he shall possess technical training in, or knowledge of, matters of public welfare and administration; police duties; scientific investigation of crime and criminals; crime prevention, traffic control and regulations; and municipal government as related to police regulations and enforcement of law, so as to reasonably qualify him/her as an expert in such matters. (1984 Code)
- C. Duties Of The Chief: The chief of police shall be the keeper of the village jail, and shall have custody of all persons incarcerated therein. He shall keep such records and make such reports concerning the activities of his department as may be required by ordinance or statute. The chief shall be responsible for the performance by the police department of all its functions and all persons who are members of the department shall serve subject to the orders of the chief of police. The chief of police shall execute or cause to be executed all orders directed to him by the health officer so far as they may relate to the preservation of the health of the village. (1968 Code, §5.004)
- D. Reports: The chief of police shall, prior to the first meeting of the village board in January of each year, make an annual report in writing to the president and board of trustees, of the state of the police department with a detailed report of the transactions of the department for the preceding year, with such statistics and suggestions in regard to the requirements of the department as he may deem advisable; and shall also make reports of any matter or thing concerning such department whenever requested by the village president or board of trustees. (1968 Code, §5.007)
- E. Records: It shall be the duty of the chief of police to keep a record of the names and addresses of all persons arrested or committed to the village jail or county jail, in a book to be provided for such purpose. Such record shall show the date of the arrest or committal, the number of days imprisoned, the amount of the fine, when and to whom paid, and the date of discharge or other disposition of such persons. (1968 Code, §5.008)
- F. Custody Of Stolen Property: The chief of police shall be custodian of all lost, abandoned or stolen property in the village. (1968 Code, §5.015)

Deleted: and

G. Rules And Regulations: The chief of police may make or prescribe such rules and regulations for the guidance of the members of the department as he shall deem fit, such rules to be binding on such members. (1988 Code, §5.019)

H. Serving Processes: The chief of police shall be authorized to serve writs, summonses and other processes but no patrolman shall serve any such summons or process except on the order of the chief of police or the village president. (1988 Code, §5.016)

1-8H-2: ADMINISTRATIVE ASSISTANT TO THE CHIEF OF POLICE:



A. Office Created: There is hereby created the position of administrative assistant to the chief of police ("Administrative Assistant") a civilian, nonsworn administrative position reporting directly to the chief of police. The administrative assistant will have no supervisory authority over sworn police officers of the village and will not hold any rank over any sworn officer. The administrative assistant will not be subject to the jurisdiction of the board of fire and police commissioners of the village nor participate in the police pension fund. The administrative assistant shall be responsible for the monitoring and control of all administrative aspects in the Bartlett police department as assigned by the chief of police and/or the village administrator.

B. Appointment: The administrative assistant shall be appointed by the chief of police with the approval of the village administrator.

C. Qualifications: The position of administrative assistant requires a background in police work or related municipal administrative positions. A minimum of four (4) years' experience in a governmental administrative position is required. Additional requirements include:

1. Knowledge of municipal budgeting techniques and constraints.
2. General understanding of data processing functions.
3. General knowledge of police work.
4. Ability to initiate projects and see them through to completion.
5. Ability to establish and maintain effective working relationships with employees.

D. Duties: The duties of the administrative assistant shall include:

1. Budget preparation and monitoring.
2. Research of current police issues.
3. Code revision and monitoring.
4. Workflow and scheduling analysis.
5. Legislative monitoring and analysis.
6. Initiation and establishment of programs of research and planning. (Ord. 82-45, 7-20-1985)

7. Emergency management agency planning and coordination. (Ord. 82-45, 7-20-1985; amd. Ord. 99-97, 9-7-1999)

8. Citizen complaint handling.

9. Various other administrative duties as assigned.

E. Compensation And Benefits: The village president and board of trustees shall determine, by ordinance or resolution, the compensation for the administrative assistant. Benefits of the administrative assistant will be determined under appropriate sections of the personnel code relating to permanent full time employees.

F. Dismissal: Dismissal of the administrative assistant shall be in accordance with section 10 of the Bartlett personnel code, as amended by ordinance 82-19. (Ord. 82-45, 7-20-1982)

1-8H-3: DEPUTY CHIEF:

A. Office Created: There is hereby created the office of deputy chief of police. There shall be two (2) such positions. Both deputy chief of police positions shall be filled by the chief of police. If a deputy chief shall, at a later date, no longer be a deputy chief of police, that person shall automatically revert to and continue the previous rank held in the department, and such person shall not lose that rank, if any, by virtue of this appointment.

B. Exempt Position: The deputy chief of police positions shall be exempt from applicable state statutes regulating the appointment, promotion, removal, discharge and/or discipline of law enforcement officials, officers and employees, including 85 Illinois Compiled Statutes 5/10-2.1-1 et seq., as amended, and the factors considered in filling said positions shall be as follows:

1. Job experience;
2. Management experience;
3. Budgeting knowledge;
4. Ability to plan;
5. Organizational skills;
6. Interpersonal skills;
7. Education/training;
8. Ability to evaluate and assign staff;
9. Ability to research wide and complex issues; and
10. Reporting skills.

C. Duties Of Deputy Chief Of Police: The duties of the deputy chief of police shall be as follows:

1. Act for the chief of police during the absence of the chief or as designated; and execute general and special assignments in the planning, administration, coordination, direction and review of departmental operations and activities.
2. Serve as a member of the department's management team; provide advice and assistance to the chief of police; assist in setting department goals and in evaluating the extent and nature of their accomplishment.
3. Represent the department in relationships with other governmental officials and members of the public; conduct special assignments at the direction of the chief of police.
4. Direct and coordinate activities and departments; develop policies and procedures; participate in the preparation of the department's budget; and administer administrative and staff services.
5. Perform any and all other duties assigned by the chief of police.
6. Other related work. (Ord. 96-101, 11-5-1996)

1-8H-4: VACATION OF POSITION:

Upon the passage and approval of this ordinance, the position of lieutenant in the police department shall no longer be filled, other than as provided in subsection [1-8H-3A](#) of this article. (Ord. 96-101, 11-5-1996)

1-8H-5: COMMANDER:

- A. Office Created: There is hereby created the office of commander. There shall be three (3) such positions. The commander of police positions shall be appointed by the chief of police. If a commander shall at a later date, no longer be a commander of police, that person shall automatically revert to and continue the previous rank held in the department, and such person shall not lose that rank, if any by virtue of this appointment.
- B. Exempt Position: The commander positions shall be exempt from applicable state statutes regulating the appointment, promotion, removal, discharge, and or discipline of law enforcement officials, officers, and employees, including 65 Illinois Compiled Statutes 5/10-2.1-1 et seq., as amended, and the factors considered in filling said positions shall be as follows:

1. Organizational skills;
2. Ability to plan;
3. Job experience;
4. Management experience;
5. Budgeting knowledge;
6. Interpersonal skills;

7. Education and/or training;
8. Ability to evaluate and assign staff;
9. Ability to research wide and complex issues;
10. Reporting skills; and
11. Ability to multitask.

C. Duties Of Commander: The duties of the commander of police shall be as follows:

1. a. Act as a watch commander on either day or night shifts, or
- b. Be assigned to supervise the investigation/youth section.
2. Serve as a member of the department's management team; provide advice and assistance to the chief of police; assist in setting department goals and in evaluating the extent and nature of their accomplishment.
3. Represent the department in relationships with other governmental officials and members of the public; conduct special assignments at the direction of the chief of police.
4. Direct and coordinate activities and departments; develop policies and procedures; participate in the preparation of the department's budget; and administer administrative and staff services.
5. Perform any and all other duties assigned by the chief of police.
6. Other related work. (Ord. 2001-163, 12-18-2001)

ARTICLE I. VILLAGE ENGINEER

1-8I-1: CREATION OF OFFICE:

1-8I-2: APPOINTMENT:

1-8I-3: BOND, OATH AND COMPENSATION:

1-8I-4: ATLASES AND RECORDS:

1-8I-5: POWERS AND DUTIES:

1-8I-6: ACTING VILLAGE TREASURER:

1-8I-1: CREATION OF OFFICE:

There is hereby created the office of Village Engineer. (Ord. 93-63, 6-1-93)

1-8I-2: APPOINTMENT:

The Village Engineer shall be appointed by the President with the advice and consent of the Board of Trustees, to serve for a term of one year, but not longer than the term of the current Village President. (Ord. 93-63, 6-1-93)

1-8I-3: BOND, OATH AND COMPENSATION:

- A. Bond: Before entering upon the duties of office, the Village Engineer shall furnish a surety bond in the amount set out in Section [1-8-5](#) of this Title to be approved conditioned upon the faithful performance of the duties of his or her office. The premium for such bond shall be paid by the Village.
- B. Oath: Before entering upon the duties of office, the Village Engineer shall take and subscribe the oath prescribed by the statutes of the State of Illinois.
- C. Compensation: The Village Engineer shall receive such compensation as may be decided from time to time by the President and Board of Trustees. (Ord. 93-63, 6-1-93)

1-8I-4: ATLASES AND RECORDS:

The Village Engineer shall keep accurate atlases and records of all public works, including atlases of all underground water sanitary sewer and storm sewer lines, structures and appurtenances, owned by the Village. (Ord. 93-63, 6-1-93)

1-8I-5: POWERS AND DUTIES:

- A. The Village Engineer shall advise the Village Board, and such Village officers as the Village Administrator directs, on all engineering matters referred to him or her and shall perform such duties as are provided by law, ordinance or contract, and in addition thereto, such other duties as may be imposed upon him or her by the Village Board or by the Village Administrator.

B. The Village Engineer shall:

1. Attend regularly scheduled Village Board meetings and Public Works Committee meetings as requested by the Village.
2. Review preliminary and final plats of developments, preliminary engineering submittals and attendance at all staff, Plan Commission, committee and Board meetings regarding preliminary plans, plats, PDs and PUDs related to engineering and planning issues all as requested by the Village.
3. Review final plans, specifications and project cost estimates of proposed projects and developments, provide recommendations of approval of said plans, specifications and project costs estimates and recommend bond amounts consistent with specific ordinances of the Village, all as requested by the Village.
4. Provide field observation for the installation of public improvements for new developments and review and approve letter of credit reductions based on said field observations and requests by developers.
5. At the request of the Village, provide necessary services to investigate, review, make recommendations and provide engineering for certain projects and developments.
6. Provide the necessary professional engineering services for motor fuel tax maintenance/construction projects and all other projects as requested by the Village.

C. The Village Engineer shall from time to time as required by the Village Board or the Village Administrator, make reports and specifications regarding public improvements, repairs of streets, bridges and sidewalks, or such other work as the Village Board or the Village Administrator may request, and shall make such suggestions to the Board or the Village Administrator, as the case may be, regarding the same, as shall in his or her judgment seem best and proper. (Ord. 93-63, 6-1-93)

1-81-6: ACTING VILLAGE ENGINEER:

In the event the village engineer shall be incapacitated from performing the duties of his or her office, or in the event of a vacancy in the office of village engineer, a qualified person shall be appointed as acting village engineer by the president with the advice and consent of the board of trustees during such absence, incapacity or vacancy with all the powers and duties of that office, who shall perform the duties thereof without furnishing any additional bond if such appointee shall already be under bond in any other capacity.

COMMUNITY DEVELOPMENT MEMORANDUM

17-034

DATE: April 10, 2017
TO: Paula Schumacher, Acting Village Administrator
FROM: Jim Plonczynski, CD Director
RE: Metra platform reconfiguration

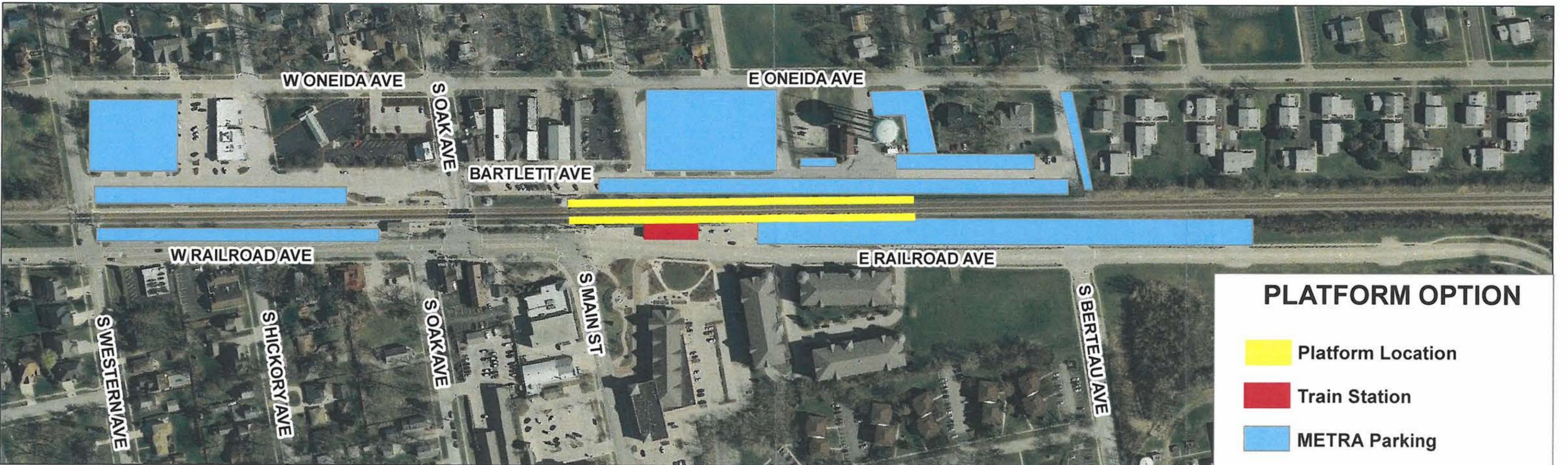
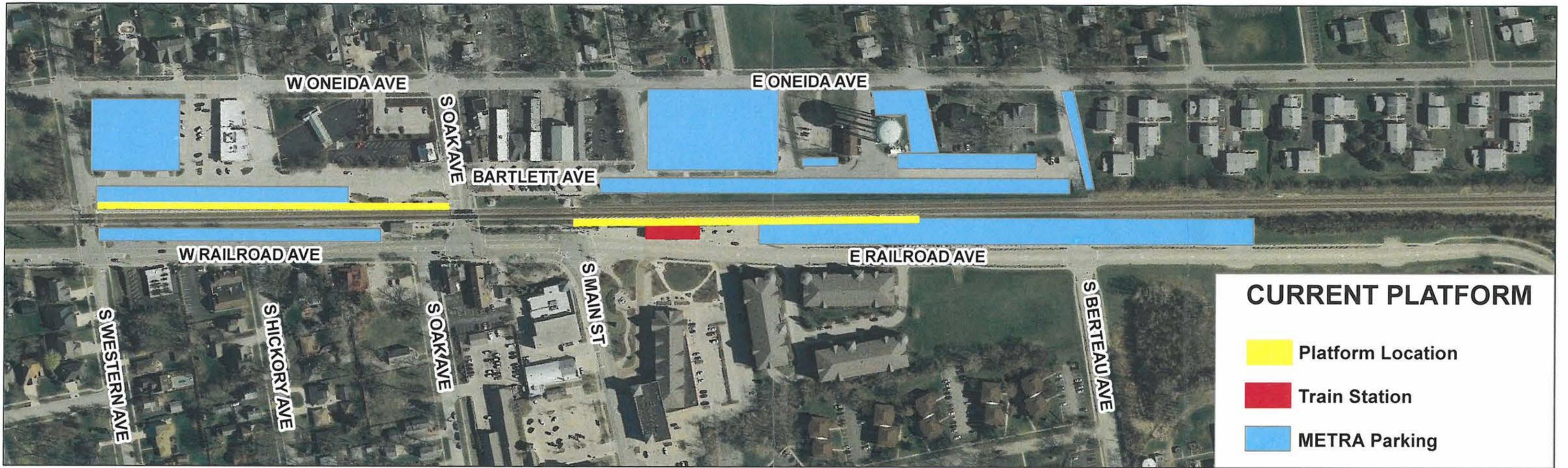
At the 2/21/17 Village Board Meeting, Trustee Carbonaro discussed the possibility of obtaining federal funds to re-align the commuter rail platforms east of Oak Ave. He asked the Board to place this item on a future Village Board Committee agenda in order to direct Staff to get a cost estimate and have some preliminary design drawings prepared to accompany the funding request.

Staff researched case files from previous discussions and staff reports on this issue and the following information was compiled.

PREVIOUS DISCUSSION

As a result of previous Town Hall discussions in 2013, regarding commuters crossing the tracks near Berteau Avenue, the split platform configuration, and the subsequent Economic Development Commission recommendation that the Village investigate the reconfiguration of the Metra platforms, Village Staff met with Metra Engineers on November 20, 2013. At this meeting, the Staff discussed the reconfiguration of the split platform design to align the commuter platforms east of Oak Avenue, the installation of platform appurtenances, a mid-track commuter crossing near Berteau Avenue and the installation of additional inter-track fencing. The attached location maps depict the current platform configuration and the proposed re-aligned platform configuration.

Metra Engineers believed that the re-alignment of the platforms was possible but there was no outside funding source at the time (ie. grant program) and Metra had no internal funding for this type of project. If this project were to move forward the Village would have to bear the total project cost and seek an outside funding source. Metra would also have to approve the project and enter in to a new Agreement with the Village.



CD MEMO #17-034

April 10, 2017

Page 2

In 2013, Metra outlined some of the estimated costs involved in a new aligned platform. They were as follows;

- \$500,000.00 - new platform east of Oak
- \$100,000.00 - retaining wall for new platform
- \$1,000,000.00 – shelter, lights pavers
- \$400,000.00 – new crosswalk

Total \$2,000,000.00

These estimated costs have not been updated to reflect 2017 costs and do not include the demolition of the existing platform or the cost to move any COMED poles that could be in the way of a new platform.

CURRENT DISCUSSION

As recently confirmed with Metra officials in March, 2017, the evenly aligned commuter platforms do not allow the railroad gates to go up during the train loading and unloading and the gates will be down during these “dwell” times at least 5-7 minutes per commuter train blocking Oak Avenue. Metra ridership figures from 2014 are 1081 riders per day for the Bartlett station but a recent ridership analysis will be coming out soon.

Number of Trains coming through Bartlett Downtown (Crossing 14)

Staff did an analysis of the number of trains that come through the downtown area and as shown on the attached charts, the train activity has increased dramatically since the CN purchased the freight line.

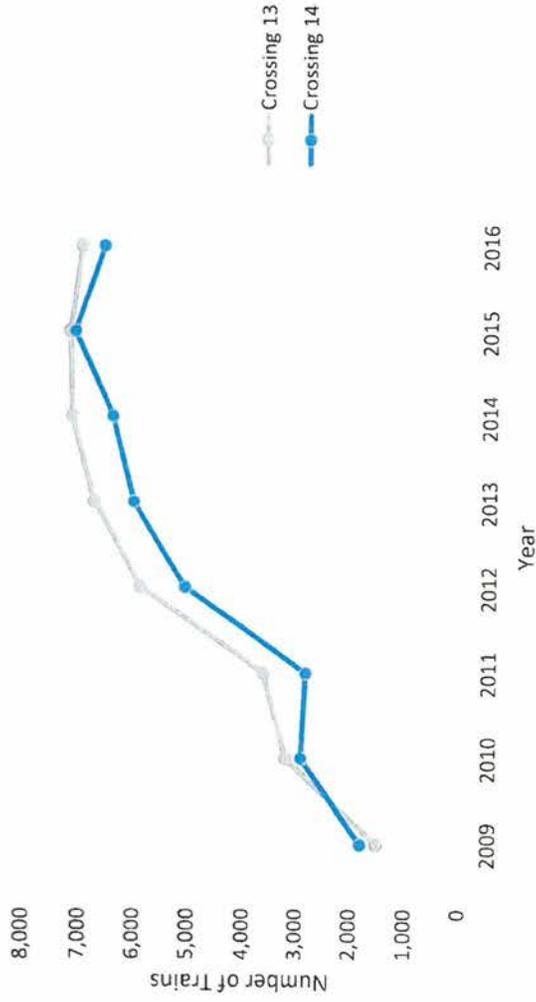
Metra trains coming in to Bartlett remain steady at 56 trains on weekdays, 24 on Saturday and 18 on Sunday.

Mid Track Crossing

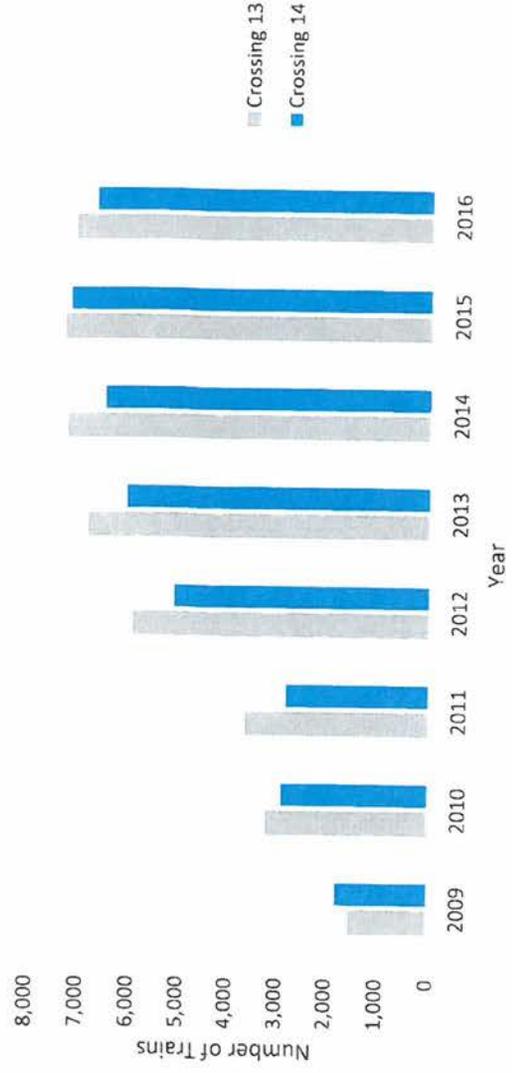
As far as installing a mid-track commuter crossing near Berteau Avenue, Metra Engineers again said that this is feasible. The cost of a surface crossing is estimated at \$500,000.00. **However, this crossing could negatively impact the current Quiet Zone that exists in the downtown.** If this crossing were installed, the existing Quiet Zone would have to be re-evaluated and it may not be possible to be maintained if the mid-track crossing is installed. Metra Engineers also commented that this mid-track commuter crossing is a safety problem due to commuters crossing the tracks at an unauthorized location and mid-track fencing was installed to minimize this problem.

Annual CN Train Totals			
Year	Crossing 13	Crossing 14	Total
2009	1,518	1,807	3,325
2010	3,198	2,912	6,110
2011	3,625	2,831	6,456
2012	5,889	5,072	10,961
2013	6,771	6,026	12,797
2014	7,177	6,447	13,624
2015	7,224	7,137	14,361
2016	7,021	6,629	13,650
Total	42,423	38,861	81,284
Average	5,303	4,858	10,161

Canadian National Trains Through Bartlett



Canadian National Trains Through Bartlett



Underpass

The potential construction of a pedestrian underpass has been completed most recently at the Lombard Station. In the Lombard Metra Station, the overall project cost totaled \$7.8 million. The tunnel portion alone was approximately \$4 million. At this time there is no cost estimate for a Bartlett pedestrian tunnel.

Staff Direction

Staff is looking for direction on how to proceed with this matter. A follow up with Metra or hiring an Engineering firm could allow for a more up to date cost estimate and a determination on funding sources for this project.

Staff would also research other funding sources for this type of project but may also need a more firm engineering estimate and some preliminary design features to submit for any grant money that may be available.