

Regular Meeting
WINNETKA VILLAGE COUNCIL
510 Green Bay Road
Winnetka, Illinois 60093
January 5, 2010
7:30 p.m.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance to the Flag
- 3) Quorum
 - a) January 12, 2010, Study Session
 - b) January 14, 2010, Special Executive Session
 - c) January 19, 2010, Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Warrant Lists Nos. 1635 and 16363
 - b) Ordinance No. M-21-2009 – Landmark Designation: 790 Bryant Ave. – Adoption4
 - c) Resolution No. R-1-2010 – 2010 MFT Transfer for Maintenance of Streets – Adoption...8
 - d) Implementation of Freedom of Information Act Amendments10
 - i) Resolution No. R-2-2010 Amended Fee Resolution – Adoption11
 - ii) Resolution No. R-3-2010 FOIA Response Policy – Adoption20
- 6) Ordinances and Resolutions.
 - a) Ordinance No. MC-7-2009 – Amended Ethics Regulations – Adoption23
 - b) Resolution No. R-4-2010 - Willow Road Federal Aid Rehabilitation Amendment to Phase I Engineering Contract - Adoption40
- 7) Public Comment and Questions
- 8) Old Business – None
- 9) New Business
 - a) Water Plant Dehumidification Unit Bids50
- 10) Reports
- 11) Appointments

12) Executive Session

13) Adjournment

NOTICE

All agenda materials are available at www.villageofwinnetka.org (click Council and then Current Agenda), the Reference Desk at the Winnetka Library, or in the Manager's Office at Village Hall (2nd floor). Information regarding rebroadcast of regular Council meetings may also be found on the Village's website.

ADA NOTICE

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3540; T.D.D. (847) 501-6041).

AGENDA REPORT

SUBJECT: **Warrant Lists Nos. 1635 and 1636**

PREPARED BY: Doug Williams, Village Manager

DATE: December 29, 2009

Warrants Lists Nos. 1635 and 1636 are enclosed in each Council member's packet.

Recommendation: Consider approving Warrants Lists Nos. 1635 and 1636.

AGENDA REPORT

TO: Village Council

PREPARED BY: Ann Klaassen, Planning Assistant

DATE: December 23, 2009

SUBJECT: 790 Bryant Ave. Landmark Nomination
Ordinance No. M-21-2009

REF: December 15, 2009 Council Meeting, pp. 54-109

On October 5, 2009 the Landmark Preservation Commission (LPC) voted 6-0 to recommend that the Village Council designate 790 Bryant Ave. as a Winnetka Landmark. Based upon the adopted System for Evaluation of Landmarks, the property received an overall score of 77.6 points, resulting in a “Significant” rating.

The LPC found that 790 Bryant Ave. satisfies the criteria for local landmark designation based upon a variety of factors, most significantly the home’s original design integrity and its association with historical persons on the national level, specifically author and columnist Howard V. O’Brien and Olympic gold medalist William Meade Lindsley Fiske III. A report from the LPC is attached providing full details on all the categories considered by the LPC.

Pursuant to the recommendation of the Landmark Preservation Commission, Ordinance M-21-2009 designates 790 Bryant Ave. as a Winnetka Landmark. Adoption of the ordinance requires the concurrence of a simple majority of the Council members.

Recommendation

Consider adoption of Ordinance M-21-2009, which would designate 790 Bryant Ave. as a local landmark.

**AN ORDINANCE DESIGNATING A LANDMARK
PURSUANT TO CHAPTER 15.64 OF THE
WINNETKA VILLAGE CODE (790 Bryant)**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Council of the Village of Winnetka (“Village Council”) find that the identification, designation and preservation of buildings and structures in the Village that are historically, culturally, and architecturally significant, and the encouragement of the restoration and rehabilitation of those buildings and structures are matters pertaining to the affairs of the Village; and

WHEREAS, the property commonly known as 790 Bryant Avenue Winnetka, Illinois, (“Subject Property”) is legally described as follows:

Lots 16 and 17 (except the Westerly 165.9 feet of said Lots) all of Lots 6, 7 and 8 in Block 9 in Winnetka Park Bluffs, a subdivision by William H. Cairnduff of parts of Sections 16, 17 and 20, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, (except the following described tract described as follows: All of Lot 8 and the South 15 feet of Lot 7 and that part of Lot 16, described as follows: Commencing at the Southeast corner of said Lot 16; thence Northerly on a line 165.9 feet Easterly and parallel to the Westerly line of Lot 16 to a point on a line 15 feet North of and parallel to the North line of Lot 8, extended; thence East on said line 15 feet north of and parallel to the North line of Lot 8 to the West line of Lot 8 extended; then Southerly along the Westerly line of Lot 8 extended to the point of beginning; and

WHEREAS, the owner of the Subject Property has submitted an application requesting that the residence on the Subject Property, known as the Ernest M. and Jessie W. Kimball House, be designated a Village of Winnetka landmark (“Application”); and

WHEREAS, the Council of the Village of Winnetka has enacted Chapter 15.64 of Title 15 of the Winnetka Village Code, titled “Landmark Preservation,” for the purposes of preserving, protecting, enhancing, rehabilitating and regulating buildings, structures, objects, and places of historical, cultural or architectural importance; and

WHEREAS, on October 5, 2009, pursuant to the provisions of Chapter 15.64 of the Winnetka Village Code (the “Landmark Ordinance”) and notice duly published and sent, the

Landmark Preservation Commission (“LPC”) conducted a public hearing to consider the Application; and

WHEREAS, the LPC rated the architectural type, style and period of the Kimball House as “somewhat rare,” in that the house is thought to have been constructed in 1903 and is in the Arts and Crafts/Craftsman style;

WHEREAS, the LPC rated the method of construction as “somewhat rare,” in that the Kimball House is stucco with Arts and Craft wood trim, elaborate Tudor-inspired detailing, including cross-gables, broad eaves and a rectangular footprint with the inclusion of one-story rooms or porches at the corners and a bowed, polygonal bay at the center of the first floor’s main elevation; and

WHEREAS, the LPC found the Kimball House to have an association with historical persons of national significance, in that (i) it was owned by several prominent Chicagoans, the most significant being Howard O’Brien, a writer who published 11 books, who was literary editor for the *Chicago Daily News* from 1928 to 1930, before becoming a featured columnist, and who was also a charter member of the American Legion Winnetka Post #10, and (ii) William M.L. Fisk III, the son of Kimball House owners William Meade Lindsley and Beulah Fiske, was a gold medalist in the 1928 and 1932 Olympic games and was the youngest male gold medalist at the Winter Olympics; and

WHEREAS, the LPC found the Kimball House to be an established, conspicuous feature in the neighborhood, in that it sits atop a small hill on the west side of Bryant Avenue, and is an early and important part of the neighborhood as well as a noteworthy example of Arts and Crafts architecture with unique Tudor-inspired detailing; and

WHEREAS, the LPC found the building to be in exceptional structural condition and rated the design integrity as excellent, in that a recent building rehabilitation that included a building addition provided a seamless effect, with complementary fenestration patterns, materials and finishes; and

WHEREAS, the Commission determined that only minor alterations have been made to the view from the property, warranting a score of “3” and that the view of the property from Bryant Avenue also rated a score of “3” for minor alterations; and

WHEREAS, pursuant to the findings entered at the LPC’s October 5, 2009, meeting, the members then present rated the Kimball House as “Significant,” and unanimously recommended that it be designated a Winnetka landmark; and

WHEREAS, the Council of the Village of Winnetka have considered the recommendation of the Landmark Preservation Commission and have determined that it is in the best interest of the Village and its residents to accept the findings and recommendation of the LPC and to designate the Kimball House, located at 790 Bryant Avenue, as a local landmark.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: The residence located on the property at 790 Bryant Avenue, permanent real estate index number 05-17-408-015-0000, 05-17-408-021-0000, and 05-17-408-022-0000, is hereby designated a local landmark under Section 15.64.070 the Landmark Preservation Ordinance.

SECTION 3: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 4: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 5th day of January, 2010, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 5th day of January 5, 2010.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: December 15, 2009

Posted: December 16, 2009

Passed and Approved: _____

Posted: _____

Agenda Report

Subject: **2010 MFT Transfer for Maintenance of Streets**

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: December 29, 2009

In past years, the Village of Winnetka has made a policy decision to allocate \$125,000 from the MFT fund towards maintaining streets, which is a permitted use of MFT funds. Recent policy direction has been to reduce the amount of this transfer over time to reserve MFT funds for capital expenses. The current year transfer was \$95,000, and the FY 2010-11 Budget proposes a transfer of \$65,000. The attached resolution R-1-2010 authorizes expenditure of \$65,000 in MFT funds for street maintenance.

Recommendation:

Consider adoption of Resolution R-1-2010 authorizing expenditure of \$65,000 for street maintenance.



BE IT RESOLVED, by the President and Board of Trustees of the
(Council or President and Board of Trustees)
Village Winnetka of Winnetka, Illinois, that there is hereby
(City, Town or Village) (Name)
appropriated the sum of \$65,000.00 of Motor Fuel Tax funds for the purpose of maintaining
streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2010
(Date)
to December 31, 2010.
(Date)

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon a practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at Schaumburg, Illinois.

I, Douglas G. Williams Clerk in and for the Village
(City, Town or Village)
of Winnetka, County of Cook

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by

the President and Board of Trustees at a meeting on January 5, 2010
(Council or President and Board of Trustees) Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____.

(SEAL) _____ Village _____ Clerk
(City, Town or Village)

Authorized MFT Expenditure

Date
Department of Transportation

Regional Engineer

AGENDA REPORT

SUBJECT: Implementation of Freedom of Information Act Amendments
R-2-2010 Amended Fee Resolution
R-3-2010 FOIA Response Policy

PREPARED BY: Katherine S. Janega, Village Attorney

REF: November 10, 2009 Study Session, pp. 15 - 35

DATE: December 28, 2009

At the November 10, 2009, Study Session, the Council discussed Public Act 96-542, which makes sweeping amendments to the Freedom of Information Act "FOIA"). The amended FOIA now requires that all requests be made in writing and defines private information that is exempt from disclosure. It also reduces response times and sets maximum fees for copies.

The Village sets copying fees in its annual fee resolution. In addition, pursuant to two resolution adopted in 1994, the Village has a stated FOIA response policy that attempts to strike a balance between privacy rights and the rights to disclosure under FOIA. These prior resolutions require amendment to assure that the Village's policies fully comply with the amended FOIA

The two attached resolutions implement the necessary policy changes. Resolution R-2-2010 amends the general fee resolution, while Resolution R-3-2010 contains an amended policy statement.

Recommendation:

- 1) Consider adopting resolution R-2-2010, amending the general fee resolution to reflect amendments to the Freedom of Information Act.
- 2) Consider adopting resolution R-3-2010, updating the Village's policy for responding to Freedom of Information Act requests.

RESOLUTION NO. R-2-2010

**A RESOLUTION
AMENDING GENERAL PERMIT, LICENSE AND REGISTRATION FEES,
PARKING AND TOWING FEES AND
MISCELLANEOUS SERVICE FEES**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, with the authority and, except as limited by said Section 6 of Article VII, is authorized to exercise any power and perform any function pertaining to the government and affairs of the Village, including, but not limited to, the powers (i) to regulate for the protection of the public health, safety, morals and welfare, (ii) to license, (iii) to tax, and (iv) to incur debt; and

WHEREAS, the Council find that it is necessary to amend certain copying fees to make them consistent with the Freedom of Information Act, as amended by Public Act 96-542.

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

SECTION 1: Permit, License and Registration Fees. Pursuant to the sections of the Winnetka Village Code ("Code") referred to in the following Schedule of General Permit, License and Registration Fees ("Fee Schedule"), there are hereby established certain permit, license and registration fees, in the amounts and for the purposes set forth in said Fee Schedule:

SCHEDULE OF GENERAL PERMIT, LICENSE AND REGISTRATION FEES

Note: All annual permits, licenses and registrations other than motor vehicle licenses are due and payable on or before the beginning of each fiscal year, April 1, and remain in effect until the end of the applicable fiscal year, the following March 31. Motor Vehicle Licenses are due and payable on or before January 1 of each year and remain in effect until the end of the calendar year, December 31.

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
<i>Amusement Devices</i>		5.12.010
Daily	\$15.00	
Annual	\$25.00	
<i>Animals</i>		6.08.010
Dog License (Annual)		
Unspayed Female	\$15.00	
All Other Dogs	\$10.00	

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Replacement License	\$2.00	
Taking up or Impounding Dog	\$55.00	
<i>Bicycle Registration</i>	No Fee	10.32.060
<i>Billiard Rooms & Pool Rooms</i>		5.52.020
Annual License (per table)	\$10.00	
<i>Bowling Alleys</i>		5.52.030
Annual License (per alley)	\$10.00	
<i>Coin Operated Musical Devices</i>		5.16.010
Annual License (per device)	\$25.00	
<i>Charitable and Political Solicitation</i>	None	5.48.010
<i>Circuses and Carnivals (Daily)</i>	\$100.00	5.52.040
<i>Drug Paraphernalia Sales</i>		9.04.070
Annual Registration Fee	\$25.00	
<i>Film Production Application Fees</i>		
Basic Application Processing Fee	\$1,000.00	5.20.070
Additional Application Processing Fee (Per Hour)	\$250.00	5.20.070
<i>Food Dealers</i>		
Restaurant Permit: (Annual, based on seating capacity)		5.24.010
1-20	\$35.00	
21-50	\$45.00	
51-100	\$50.00	
More than 100	\$75.00	
Fast Food/Drive-In	\$75.00	
Food Store Permit (Annual, per cash register)	\$25.00	5.24.010
Itinerant Food Vendor Permit (Annual)	\$15.00	5.24.010
Vending Machine Operator Permit (Annual, per machine)	\$15.00	5.24.010
<i>Foresters, Tree Surgeons</i>		5.72.010
Annual License	\$15.00	

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
<i>Garbage and Refuse Scavenger</i>		8.16.040
Annual License	\$500.00	
<i>Junk Dealers (Annual)</i>		5.32.010
License, Base Fee	\$50.00	
Vehicle Fee (per vehicle)	\$25.00	
<i>Laundries</i>		5.36.010
Annual Fee	\$15.00	
<i>Liquor Licenses</i>		5.09.100
Class A-1 Restaurant (Annual)	\$1,000.00	
Class A Restaurant (Annual)	\$750.00	
Packaged Meal Rider (Take-out; Annual)	\$150.00	
Class B - Grocery Store (Annual)	\$750.00	
Class C - Special Event (Daily)	\$25.00	
Maximum per event more than 2 days	\$75.00	
Class D – Package delivery service/mail	\$150.00	
Class E - Limited Food Products Store (Wine)	\$500.00	
Class E-1 - Limited Food Products Store (Wine or Beer)	\$500.00	
Class P - Park District (Annual)	\$500.00	
<i>Money Changers</i>		5.40.010
Annual Fee, per location	\$25.00	
<i>Parades and Processions</i>	None	10.08.060
<i>Pawnbrokers</i>		5.44.010
Annual Fee, per location	\$100.00	
<i>Peddlers</i>		5.48.010
License, if NO vehicle used		
Per year	\$25.00	
Per month	\$10.00	
Per day	\$3.00	

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
License, if vehicle used		
Per year, per vehicle	\$50.00	
Per month, per vehicle	\$15.00	
Per day, per vehicle	\$5.00	
<i>Public Dance Halls</i>		5.56.010
Per year	\$100.00	
Per Day	\$20.00	
<i>Public Garage and Service Station</i>		5.60.010
Base fee, annual	\$50.00	
For each fuel pump	\$5.00	
<i>Raffle, per event</i>	\$25.00	9.04.040
<i>Second Hand Dealers</i>		5.64.010
Annual Fee, per location	\$25.00	
<i>Taxicab Operator's License</i>	\$2.00	5.68.050
<i>Vehicle (Motor) Licenses</i>		10.12.030
Annual Fee	\$40.00	
Semi-Annual Fee (if purchased after 6/30)	\$20.00	
Transfer Fee	\$1.00	

SECTION 2: Parking Permit Fees. Pursuant to Chapter 10.24 of the Winnetka Village Code, entitled, "Parking," the following fees are hereby established for parking permits:

SCHEDULE OF PARKING PERMIT FEES

Semi-Annual Permits (Commuter Parking Permits)

Note: Semi-annual parking permits are issued for the periods of January through June and July through December. Purchase and refund amounts are prorated based on the month in which the purchase or refund request is made. Only persons who reside in the Village of Winnetka, and who have a current Village vehicle sticker for a vehicle registered with the State to a Winnetka address, are eligible for the resident fee.

Month of Purchase or Refund	Purchase Cost		Refund Amount	
	Resident	Non-Resident	Resident	Non-Resident
January or July	\$100.00	\$220.00	\$83.33	183.33
February or August	83.33	183.33	66.67	146.67
March or September	66.67	146.67	50.00	110.00

Month of Purchase or Refund	Purchase Cost		Refund Amount	
	Resident	Non-Resident	Resident	Non-Resident
April or October	50.00	110.00	33.33	73.33
May or November	33.33	73.33	16.67	36.67
June or December	16.67	36.67	---	---

Annual Permits

Business District Employee Parking Permit \$10.00

Daily Parking Permits

Note: Beginning July 1, 2000, refunds will no longer be available for unused daily parking permits.

Commuter Parking Lots \$3.00
 Business District Employee Parking \$3.00

Remote Lot Parking Permits (Public Works Yards)

Note: The Village Manager may issue permits to allow parking on a limited basis at the Village’s landfill site, 1390 Willow Road, by businesses located in the Village of Winnetka, including but not limited to the United States Postal Service, for parking of their fleet vehicles, and by businesses located in the Village of Winnetka that are engaged in the retail sale of automobiles, for parking of their sales inventory. The Village Manager shall determine the number and location of such spaces that may be made available on the site may vary from time to time. Such space shall be limited to areas of the site that the Village Manager determines will not interfere with the Village’s use of the site. Requests for such parking shall be made directly to the Village Manager. Remote parking spaces shall not be available for the general public.

Remote Parking Permit (Semi-annual charge per vehicle) \$120.00

SECTION 3: Fees for Vehicle Impoundment and Towing. Pursuant to Section 10.24.130 of the Winnetka Village Code, charges and fees are hereby established for the impoundment, towing and storage of vehicles upon the issuance of a final notice for unpaid parking tickets, as set forth in the following Impoundment and Towing Fee Schedule:

Impoundment and Towing Fees

<u>Type of Fee</u>	<u>Amount of Fee</u>	<u>Conditions for Payment or Refund</u>
<i>Impoundment</i>	\$200.00	Payment is required prior to release of vehicle. Payment will be refunded if the hearing officer determines that the impoundment was not conducted in accordance with the procedural requirements of Village Code Section 10.24.130.
<i>Towing and/or Storage - Private Contractor</i>	Actual cost as billed by the towing or impounding facility	Payment is required prior to release of towed, removed, relocated and/or stored vehicle. Payment will be refunded if the hearing officer determines that the towing, removal, relocation and/or storage was not conducted in accordance with the procedural requirements of Village Code Section 10.24.130.
<i>Storage on Village Property</i>	\$10.00 per day, per vehicle	Payment is required prior to release of stored vehicle. Payment will be refunded if the hearing officer determines that the storage was not conducted in accordance with the procedural requirements of Village Code Section 10.24.130.
<i>Collateral</i>	75% of the amount of all outstanding fines due, as stated in the final notice.	Payment is required prior to release of impounded, towed, removed, relocated and/or stored vehicle. Payment is also required before a request for a judicial proceeding made pursuant to a “final notice” is processed. Payment will be refunded if, as the result of the dismissal of outstanding or unsettled traffic violation notices, judgments and/or warrants by a court of competent jurisdiction, the impounded or removed vehicle is subject to fewer than five unsatisfied fines for violation of any parking ordinance of the Village.

SECTION 4: Miscellaneous Service Fees. Pursuant to the sections of the Winnetka Village Code (“Code”) referred to in the following Schedule of General Permit, License and Registration Fees (Miscellaneous Fee Schedule), fees are hereby established for certain miscellaneous services and purchase items in the amounts and for the purposes set forth in said General Fee Schedule: Miscellaneous Fee Schedule

<u>Miscellaneous Service Fees</u>	<u>Amount of Fee</u>	<u>Code Section</u>
<i>Ambulance Services</i>		2.52.040
Advanced Life Support	\$500.00	
Basic Life Support	\$390.00	

<u>Miscellaneous Service Fees</u>	<u>Amount of Fee</u>	<u>Code Section</u>
<i>Audit</i>	\$35.00	
<i>Annual Budget</i>	\$35.00	
<i>Certified copies</i> (per certification)	\$1.00	
<i>Comprehensive Plan</i>		
With Maps	\$35.00	
Without Maps	\$8.50	
<i>Copying, <u>Scanning and Printing</u> Charges</i>		
In-house copying		
Black & White, 8½” x 11” (per side)	\$0.25 <u>0.15</u>	
Black & White, 8½” x 14” (per side)	\$0.50 <u>0.15</u>	
Black & White, 11” x 17” (per side)	\$0.50	
Color, 8½” x 11” (per side)	\$0.50	
Color, 8½” x 14” (per side)	\$1.00	
Color, 11” x 17” (per side)	\$1.00	
Out-sourced copying	Actual Cost	
Oversize documents (plats, etc.)	Actual Cost	
CD-ROM (per disk)	\$5.00	
Computer diskette (per diskette)	\$2.00	
Video tape (per tape)	\$5.00	
DVD recordings of meetings (per DVD)	\$20.00	
<i>Other, Unspecified Services</i>	Actual Cost	
<i>Street Cleaning</i>	\$550.00	
<i>Unincorporated Fire Service</i>	\$84.27/mo	13.040.120
<i>Winnetka Village Code</i>	\$200.00	
<i>Winnetka Zoning Ordinance</i>	\$10.00	

SECTION 5: Fees for Special Services, Film Production and Special Events.

Services provided or performed in conjunction with film production permits issued pursuant to Chapter 5.20 of the Winnetka Village Code and in conjunction with special event permits issued pursuant to Chapter 5.66 of the Winnetka Village Code shall be subject to the following fee schedule.

SCHEDULE OF SPECIAL SERVICE FEES

Note: The following hourly rates shall be assessed for: (i) all services provided in conjunction with film production and film production permits issued pursuant to Chapter 5.20 of the Village Code; (ii) all services provided in conjunction with film special events and events subject to special events permits issued pursuant to Chapter 5.66 of the Village Code; and (iii) all other non-standard services provided by Village personnel and all other uses of Village equipment not subject to specific fees set out in either this resolution R-12-2007 or resolution R-13-2007.

<u>Department</u>	<u>Hourly Rate</u>
<i>Village Administration & Finance Departments</i>	
Village Manager	\$340
Assistant to the Village Manager	\$280
Village Attorney	\$340
Department Head	\$280
Supervisory Personnel	\$180
Clerical/Support Staff	\$180
 <i>Police Department</i>	
Command Staff (Deputy Chief, Commanders)	\$230
Sergeants	\$180
Patrol Officers	\$150
Support Staff	\$130
Vehicles	\$50
 <i>Fire Department</i>	
Command Staff (Deputy Chief, Captains)	\$230
Lieutenants	\$180
Fire Medics	\$150
Support Staff	\$130
Light Vehicles	\$60
Ambulance	\$100
Fire Truck / Engine	\$450
 <i>Public Works</i>	
Supervisory	\$180
Engineers	\$180
Maintenance Workers	\$130
Light Trucks	\$60
Medium Trucks	\$90
Heavy Trucks, Refuse Trucks, Street Sweepers	\$120
 <i>Community Development</i>	
Assistant Director	\$230
Planners, Architect	\$180

<u>Department</u>	<u>Hourly Rate</u>
Inspectors	\$150
Clerical / Support Staff	\$130
Vehicles	\$50
 <i>Water & Electric</i>	
Deputy Director, Chief Engineer	\$230
Supervisory	\$180
Plant Operators	\$150
Linesmen	\$150
Clerical / Support Staff	\$120
Light Trucks	\$60
Medium Trucks	\$70
Heavy Trucks, Boom Trucks	\$120

SECTION 6: Fee for Returned Payments. A fee of \$30.00 shall be charged for any payment that is returned to the Village for any reason, including, but not limited to, insufficient funds, account closed, or referred to maker.

SECTION 7: This Resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 8: Effect of Resolution. This resolution supersedes Resolution R-9-2009.

SECTION 9: Effective Date. This resolution shall be in full force and effect immediately upon its adoption.

ADOPTED this 5th day of January, 2010, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

RESOLUTION NO. R-3-2010

**A RESOLUTION
ESTABLISHING A POLICY
FOR RESPONDING TO FREEDOM OF INFORMATION REQUESTS**

WHEREAS, the Freedom of Information Act (5 ILCS 140/1, *et seq.*) provides for broad access to public records in furtherance of the policy that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of said Act; and

WHEREAS, the Freedom of Information Act authorizes public bodies to promulgate rules and regulations, consistent with the Act, pertaining to the availability of records and procedures to be followed; and

WHEREAS, pursuant to such authority, the Council of the Village of Winnetka (“Village Council”) adopted resolutions R-1251-94 and R-1264-94, establishing a policy for responding to Freedom of Information Act requests, so as to protect the personal privacy of persons who express their opinions in direct correspondence to elected officials, rather than speaking in public meetings; and

WHEREAS, effective January 1, 2010, the Freedom of information Act has been amended by Public Act 96-542; and

WHEREAS, the amendments to the Freedom of Information Act include: (i) a requirement that all requests to be made in writing, (ii) maximum allowable fees for copying, and (iii) a definition of private information that is exempt from disclosure, and (iv) reduced response times; and

WHEREAS, the amended Freedom of Information Act continues to exempt from inspection and copying information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information; and

WHEREAS, the Village Council have determined that it is necessary to amend and restate the Village of Winnetka’s policy regarding responding to requests made under the Freedom of Information Act, to assure consistency with Public Act 96-542.

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

SECTION 1: The foregoing recitals are adopted as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: It is hereby declared to be the policy of the Village of Winnetka that:

A. The Village of Winnetka's web site will be used, to the extent reasonably and financially feasible, to make more public records available for immediate access without the need for filing a written request.

B. To the extent reasonably and financially feasible, the Village will attempt to make immediate response to routine requests. For purpose of this policy, a routine request shall be defined as a request for a small number of specific, readily available Village records, which records shall include, but not be limited to: the Winnetka Village Code, ordinances, resolutions, minutes, meeting agendas, meeting notices, annual budget, comprehensive plan, zoning ordinance interpretations and official zoning map. A request for any record containing information that may be exempt under the Freedom of Information Act shall not be considered routine and shall be submitted in writing. The Freedom of Information Officer may require that routine requests be made in writing.

C. To preserve the constitutional rights of individuals to communicate directly with their elected officials, the disclosure of the identity of an individual resident of the Village who has transmitted to the village a complaint, comment or opinion shall be considered an unwarranted invasion of personal privacy and that any public record which contains such complaint, comment or opinion and which is otherwise subject to disclosure under the Freedom of Information Act, shall be disclosed to the public only upon the deletion of the individual's identifying information, unless the individual subject of the information consents to such disclosure. For purposes of this policy, the individual subject may consent to disclosure of the personal information in writing or by taking an action or making a statement in public that clearly demonstrates the consent to disclose such information. This policy shall not apply to written statements or correspondence that an individual sends to a board or commission of the Village for inclusion in its official record instead of appearing at a public hearing of such board or commission.

SECTION 3: The policy stated in this Resolution shall apply to all the Village and to all boards, commissions and committees that are public bodies, as defined in the amended Freedom of Information Act.

SECTION 4: The policy stated in this Resolution shall apply to all pending and future requests made under the Freedom of Information Act.

SECTION 5: This Resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 8: **Effect of Resolution.** This resolution supersedes Resolutions R-1252-94 and R-1264-94.

SECTION 9: **Effective Date.** This resolution shall be in full force and effect immediately upon its adoption.

ADOPTED this 5th day of January, 2010, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

AGENDA REPORT

SUBJECT: MC-7-2009 – Amended Ethics Regulations

PREPARED BY: Katherine S. Janega, Village Attorney

DATE: December 16, 2009

REFERENCE:

July 14, 2009	Study Session, pp. 31 – 51
August 18, 2009	Council Agenda, pp. 36 – 54
October 13, 2009	Study Session, pp. 19 – 57
December 8, 2009	Study Session, pp. 23 – 68
December 15, 2009	Council Agenda, pp. 110 – 129

Following discussion at four different meetings, the Village Council introduced Ordinance MC-7-2009 at its meeting on December 15, 2009. Ordinance MC-7-2009 would amend the Village Code’s ethics provisions in the following ways:

- 1) Divides the Village Code’s ethics provisions into two chapters.
- 2) Amends Chapter 2.40 to retain the statutorily mandated provisions that prohibit the Village’s officers and employees from having certain interests in contracts, accepting or soliciting gifts and engaging in certain political activities.
- 3) Moves the provision pertaining to interests in contracts from Chapter 2.40 to a new Chapter 2.41, which would expand the conflict of interest provisions from a single paragraph to a comprehensive chapter containing multiple sections, including disclosure and recusal requirements and specific prohibitions against an officer, appointee or employee participating in matters in which he or she has an identifiable interest or an apparent conflict.
- 4) Expands the scope of both Chapter 2.40 and Chapter 2.41, so that both would apply (i) to members of appointed boards, commissions and committees, as well as to Village officers and employees, and (ii) to certain family members of Village officers, appointees and employees.

Pursuant to the Council’s discussions at the time of introduction, the following changes have been made to the text of Chapter 2.41:

- 1) The inadvertent omission of appointees from Section 2.41.020 (A) has been corrected.
- 2) Section 2.41.080 (A), captioned “Disclosure of interests required,” has been modified to provide a clearer statement of when it is necessary to obtain an opinion to assist in determining (i) whether a person has an actual or apparent conflict of interest, (ii) what action is required to address the specific conflict.
- 3) The disclosure statement requirement that was in Section 2.41.100 of the draft presented for introduction has been stricken. Section 2.41.100 now contains the savings clause that was also considered at the December 15 Council meeting.

In addition, the revised Ordinance undergone a final edit, to assure consistency in terminology and to correct grammatical and typographical errors. Most of such changes occur in the Sections 2.40.080 and 2.41.140, which pertain to the Ethic Commission. Where the corrections are more substantial, they have been tracked and highlighted in yellow.

A copy of the revised draft of Ordinance MC-7-2009 is attached to this agenda report. The revised draft retains red-lining that identifies the amendments to Chapter 2.40. Wholesale tracking of Chapter 2.41, which would be entirely new to the Village Code, has been omitted; however, changes made to Chapter 2.41 since introduction have been red-lined and the affected provisions have also been highlighted in yellow.

Recommendation:

- 1) Consider amending Ordinance MC-7-2009 as indicated in the attached revised draft.
- 2) Consider the adoption, as amended, of Ordinance MC-7-2009, which would amend Chapter 2.40 of the Village Code and add a new Chapter 2.41, thereby revising and expanding ethics regulations for all Village officers, employees and member of boards, commissions and committees.

ORDINANCE NO. MC-7-2009

**AN ORDINANCE
AMENDING THE WINNETKA VILLAGE CODE
REGARDING ETHICS AND CONFLICT OF INTEREST REGULATIONS
FOR ELECTED AND APPOINTED VILLAGE OFFICIALS, EMPLOYEES AND
MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES**

WHEREAS, on May 18, 2004, the Council of the Village of Winnetka (“Village Council”) enacted ordinance MC-8-2004, which amended Chapter 2.40 of the Winnetka Village Code to establish regulations for the political activities of officers and employees of the Village of Winnetka (“Village”) and to prohibit the solicitation and acceptance of gifts from prohibited sources, as required by Article 70 of the State Officials and Employees Ethics Act (5 ILCS 430/70-5 through 70-15); and

WHEREAS, in addition to meeting the requirements of the Act, Chapter 2.40 also contains a general conflict of interest provision that prohibits officers and employees from having a direct or indirect interest in Village contracts; and

WHEREAS, it has been the Village’s continuing policy that all elected and appointed officers, members of boards and commissions, and employees adhere to the highest ethical standards and that the policies and business of the Village not be tainted either by conflicts of interest or by the appearance of conflicts or other impropriety; and

WHEREAS, the Village Council find and declare that it is in the best interests of the Village that the Village Code be amended by expanding the scope of the current ethics provisions as necessary to reflect the Village’s established policy; and

WHEREAS, the Village is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and, pursuant thereto, has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Village Council find and determine that establishing and codifying ethical standards for both the Village’s officers and employees and the members of the Village’s boards, commissions and committees, is a matter pertaining to the government and affairs of the Village.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka as if fully set forth herein.

SECTION 2: That Chapter 2.40 of the Winnetka Village Code, “Ethics,” is hereby amended in its entirety, to provide as follows:

Chapter 2.40

ETHICS PROHIBITED GIFTS AND POLITICAL ACTIVITIES

Sections:

- 2.40.010 Definitions.
- 2.40.020 ~~[Reserved.]~~ **Prohibited interests in contracts**
- 2.40.030 Gift Ban.
- 2.40.040 Prohibited political activities.
- 2.40.050 Penalties.
- 2.40.060 Ethics Adviser.
- 2.40.070 ~~Advisory opinions; defense of good faith.~~ **Ethics Commission**
- 2.40.080 ~~Ethics Commission.~~ **Interpretation.**
- 2.40.090 ~~Interpretation.~~
- 2.40.100 **Constitutionality.**

Section 2.40.010 Definitions.

Whenever the following terms are used in this Chapter, they shall be defined as provided in this section.

A. “Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

B. “Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regulation election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

C. “Collective bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

D. “Compensated time” means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment, but, for purposes of this Chapter, does not include any designated holidays or any period when the employee is on a leave of absence.

E. “Compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment.

F. “Contribution” has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

G. “Employee” means any full-time, part-time, or contractual employee of the Village, whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

H. “Employer” means the Village of Winnetka.

I. “Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

J. “Immediate family member” means a person’s spouse, minor child or minor stepchild, and any other relative of a person, whether by blood, adoption or marriage, who either is a legal dependent of that person or resides with that person.

K. J.—“Leave of absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

L. K.—“Officer” means any person elected or appointed official to an office of the Village, as defined in the Village Charter and the Illinois Municipal Code, regardless of whether the official officer is compensated.

M. L.—“Political” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

N. M.—“Political organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

O. N.—“Prohibited political activity” means and includes any or all of the following:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

6. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

10. Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

12. Campaigning for any elective office or for or against any referendum question.

13. Managing or working on a campaign for elective office or for or against any referendum question.

14. Serving as a delegate, alternate, or proxy to a political party convention.

15. Participating in any recount or challenge to the outcome of any election.

P. O.—“Prohibited source” means any person or entity who:

1. is seeking official action (i) by an officer or appointee, or (ii) in the case of an employee, by the employee or by an officer, appointee or other employee directing that employee;

2. does business or seeks to do business (i) with the officer or appointee, or (ii) in the case of an employee, with the employee or with an officer, appointee or other employee directing that employee;

3. conducts activities regulated (i) by the officer or appointee, or (ii) in the case of an employee, by the employee or by an officer, appointee or other employee directing that employee; or

4. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer, appointee or employee.

(MC-08-2004, Amended, 05/18/2004)

Q. “Appointee” means all appointed members of any board, commission or committee and of any subcommittee thereof.

Section 2.40.020 [Reserved.]**Prohibited interests in contracts**

~~No officer or employee of the Village shall be directly or indirectly financially interested in any contract work or business of the Village, or in the sale of any article, the expense, price or consideration of which is paid from the Village treasury, or by any assessment levied by any act~~

~~or ordinance of the Village, or in the purchase of any real estate or other property by the Village. (Ord. MC 228 99 § 1 (part), 1999; prior code § 3.11) (MC 08 2004, Amended, 05/18/2004)~~

Section 2.40.030 Gift Ban.

A. Except as otherwise provided in this section, no officer, appointee or employee of the Village, and no spouse of or immediate family member ~~living with of~~ any officer, appointee or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined in this Chapter, or in violation of any Village ordinance or other law, rule or regulation.

B. Exceptions. The restriction in subsection A does not apply to any of the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.

2. Anything for which the officer, appointee, ~~or~~ employee or other recipient pays the market value.

3. Any (i) contribution that is lawfully made under the Election Code or under this Chapter or (ii) activities associated with a fundraising event in support of a political organization or candidate.

4. Educational materials and missions.

5. Travel expenses for a meeting to discuss Village business.

6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

7. Anything provided by an individual on the basis of a personal friendship unless the officer, appointee or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the officer, appointee or employee and not because of the personal friendship. —

—In determining whether a gift is provided on the basis of personal friendship, the officer, appointee or employee shall consider the circumstances under which the gift was offered, such as:

a. the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

b. whether to the actual knowledge of the officer, appointee or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

c. whether to the actual knowledge of the officer, appointee or employee the individual who gave the gift also at the same time gave the same or similar gifts to other officers, appointees or employees.

8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments either are (i) are consumed on the premises from which they were purchased or prepared, or (ii) are catered. For the purposes of this Chapter, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

9. Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the officer, appointee or employee as an office holder, ~~member of a board, commission or committee,~~ or employee) of the officer, appointee or employee, or the spouse of the officer, appointee or employee, if the benefits have not been offered or enhanced because of the official position or employment of the officer, appointee or employee, and are customarily provided to others in similar circumstances.

10. Intra-governmental and inter-governmental gifts. For the purpose of this Chapter, "intra-governmental gift" means any gift given to an officer, appointee or employee of the Village from another officer, appointee or employee of the Village; and "inter-governmental gift" means any gift given to an officer, appointee or employee of the Village by an officer or employee of another governmental entity.

11. Bequests, inheritances, and other transfers at death.

12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

~~Each of the exceptions listed in this subsection is mutually exclusive and independent of one another.~~

C. Disposition of gifts. An officer, appointee or employee does not violate this Chapter if the officer or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

(MC-08-2004, Amended, 05/18/2004)

Section 2.40.040 Prohibited political activities.

A. No officer or employee shall intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off).

~~B.~~ No officer, appointee or employee shall intentionally ~~misappropriate-use~~ any Village property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

~~C. B.~~ At no time shall any officer, appointee or employee intentionally ~~misappropriate-use~~ the services of any Village employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the Village (such as vacation, personal, or compensatory time off).

~~D. C.~~ No officer, appointee or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer, appointee or employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, continued appointment, or otherwise.

~~E. D.~~ No officer, appointee or employee shall be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, continued appointment, or otherwise, in consideration for the officer's or employee's participation in any prohibited political activity.

F. Rewards For Political Activity. No officer shall promise an appointment to any remunerated municipal position as a reward for any political activity or cause or require any Village employee to contribute to or perform services for any political party as a condition of continued employment or under threat of detriment to employment

G. E.—Nothing in this Chapter prohibits activities that are otherwise appropriate for a Village officer, appointee or employee to engage in as a part of his or her official duties or activities that are undertaken by a Village officer or employee on a voluntary basis as permitted by law.

(MC-08-2004, Amended, 05/18/2004)

Section 2.40.050 Penalties.

A. The penalties for violations of this Chapter shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the State Officials and Employees Ethics Act. (5 ILCS 430/1-1, *et seq.*)

B. In addition to any other penalty that may be applicable, whether criminal or civil, an officer, appointee or employee who intentionally violates any provision of this Chapter is subject to discipline, or removal from office.

C. It is a violation of this Chapter to knowingly file a false charge against an officer, appointee or employee. Any person who knowingly files such a charge shall be subject to the penalties provided in this Section.

(MC-08-2004, Amended, 05/18/2004)

Section 2.40.060 Ethics Adviser.

The Village Manager or his or her designee is hereby designated as the Ethics Adviser for the Village. The Ethics Adviser shall provide guidance to officers, appointees and employees in the interpretation and implementation of this Chapter and State ethics laws and shall perform such other duties as may be delegated by the Village Council.

(MC-08-2004, Amended, 05/18/2004)

Section 2.40.070 Advisory opinions; defense of good faith.

It shall be an absolute defense to any action brought against any officer, appointee, employee or agent that, prior to acting, the person received in writing and in good faith from the Village Attorney or the Ethics Adviser an opinion that the action is not a violation of this Chapter.

Section 2.40.~~080070~~ Ethics Commission.

There is hereby created an Ethics Commission for the Village. The Ethics Commission shall consist of the President of the Village and the Village Trustees. The Commission shall have the following powers and duties:

A. To process written complaints alleging violations of this Chapter.

B. Upon determining that an officer, appointee or employee has violated this Chapter, to take any or all of the following courses of action:

1. Issue a reprimand;
2. Order the officer, appointee or employee to cease and desist the offensive action;
3. Order the return or refund of money or other items, or an amount of restitution for services received in violation of this Chapter;
4. To recommend to the Board of Fire and Police Commissioners that a member of the Police Department or Fire Department be dismissed, to remove from office any appointee or officer subject to the Village Council's powers of appointment and, as to all other employees and officers, to recommend to the Village Manager that dismiss the employee ~~or remove the or~~ officer be disciplined, dismissed or removed from office;
5. To order that the officer, appointee or employee make a donation to a charity in an amount equal to the prohibited gift;
6. To impose a fine of up to one thousand dollars (\$1,000.00) per violation, to be deposited into the Village's General Fund; and
7. To refer violations to the Village Prosecutor or Cook County State's Attorney for prosecution and the imposition of fines and or incarceration in accordance with Section 5-5.5 ILCS 430/5-5 of the State Officials and Employees Ethics Act (5 ILCS 430/5-5).

C. If, after a hearing the Commission finds no violation of this Chapter, the Commission shall dismiss the complaint;

D. Any decision by the Commission under this Chapter to dismiss a complaint, to refer a matter for prosecution or to make a recommendation to the Board of ~~Police and Fire~~ and Police Commissioners or Village Manager is not a final decision. All other decisions of the Commission under this Chapter are final and are not subject to further review, either administratively or judicially, except that a decision ~~by the Commission to impose that imposes a fine or that removes an officer from office is shall be~~ subject to judicial review under the Administrative Review Law of the Illinois Code of Civil Procedure (735 ILCS 5/3-101, *et seq.*) or as otherwise provided by law.

E. This Section shall not be deemed to create a right on the part of any employee or officer who is subject to the hiring and appointment authority of the Board of Fire and Police Commissioners or the Village Manager to a hearing before the Commission in addition to or as a condition of said Board or Village Manager taking any action to dismiss or otherwise discipline any such employee or officer.

(MC-08-2004, Amended, 05/18/2004)

Section 2.40.090080 Interpretation.

A. Interpretation-Applicable Statutes. It is the intent of the Village that the provisions of this Chapter shall be in accordance with the requirements of the State Officials and Employees Ethics Act (" Act"), 5 ILCS 430/1-1 *et seq.* To the extent that the Act may, from time to time, be more restrictive than the requirements of this Chapter, the provisions of that Act shall control.

B. Ordinance and Policies. This Chapter does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Chapter, however, the provisions of this Chapter shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(MC-08-2004, Amended, 05/18/2004)

C. Authority of Village Manager. This Chapter does not repeal or otherwise amend or modify the authority of the Village Manager granted pursuant to Section 2.12.050 of this Code. The Village Manager shall have and retain the authority to appoint, remove or discipline any employee as provided in said Section 2.12.050 and any other applicable statute or ordinance, without being required to initiate a complaint for consideration of the Ethics Commission under this Chapter.

Section 2.40. ~~100090~~ Constitutionality.

A. This Chapter is enacted in accordance with the State Officials and Employees Ethics Act, (“Act”), 5 ILCS 430/1-1 *et. seq.*

B. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Chapter shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Chapter shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

C. If the Illinois Supreme Court declares part of the Act unconstitutional, but either upholds the constitutionality of the remainder of the Act; or does not address the remainder of the Act, then the remainder of the Act as adopted by this Chapter shall remain in full force and effect; however, that part of this Chapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(MC-08-2004, Amended, 05/18/2004)

SECTION 3: That Title 2 of the Winnetka Village Code, “Administration and Personnel,” is hereby amended by adding a new Chapter 2.41, which shall be titled “Conflicts of Interest” and shall provide as follows:

Chapter 2.41

CONFLICTS OF INTEREST

Sections:

- 2.41.010** **Definitions.**
- 2.41.020** **Interests in Village business prohibited.**
- 2.41.030** **Conflicts of interest prohibited.**
- 2.41.040** **Incompatible interests prohibited.**
- 2.41.050** **Representation of persons in certain matters prohibited.**
- 2.41.060** **Other prohibited acts.**
- 2.41.070** **Competing interests.**
- 2.41.080** **Disclosure of interests required.**
- 2.41.090** **Recusal required.**
- 2.41.100** **Effect of conflict of interest on decision. Disclosure Statements**
- 2.41.110** **Penalties.**

- 2.41.120 Ethics Adviser.**
- 2.41.130 Advisory opinions; defense of good faith.**
- 2.41.140 Ethics Commission.**
- 2.41.150 Interpretation.**

Section 2.41.010 Definitions.

Whenever the following terms are used in this Chapter, they shall be defined as provided in this section.

A. "Appointee" means all appointed members of any board, commission or committee and of any subcommittee thereof.

B. "Employee" means any full-time, part-time, or contractual employee of the Village, whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

C. "Financial interest" means any economic interest or relationship, whether by ownership, trust, purchase, sale, lease, contract, option, investment, employment, gift, fee or otherwise; whether present, promised or reasonably expected; whether direct or indirect; whether or not legally enforceable; whether in the person or in a parent or subsidiary corporation, or in another subsidiary of the same parent corporation. A financial interest shall include, but is expressly not limited to, any economic interest, as set forth above, of a spouse or minor child, as well as any economic interest held by an agent on behalf of an officer, appointee or employee, his spouse or minor child, by a business entity managed or controlled by, or by a trust in which an officer, appointee or employee has a substantial interest. A business entity is controlled by an officer, appointee or employee when that person's spouse or minor child, singly or in the aggregate, possess a majority ownership interest in the entity. An officer, appointee or employee has a substantial interest in a trust when that person, the spouse or minor child, singly or in the aggregate, have a present or future interest worth more than one thousand dollars (\$1,000.00). "Financial Interest" shall not include ownership through purchase at fair market value of less than one percent (1%) of the share of a parent, subsidiary or other affiliated corporation whose shares are registered and traded on a nationally recognized securities market. "Financial Interest" shall also not include authorized compensation or salary paid to an officer, appointee or employee for services rendered to the Village, or any economic benefit generally available to the residents of the Village.

D. "Officer" means any person elected or appointed to an office of the Village, as defined in the Village Charter and Articles 3.1 and 5 of the Illinois Municipal Code, regardless of whether the official is compensated.

E. "Recuse" means to refrain from participation in the discussion, deliberation, consideration and voting on a matter. A person who is recused from participation in a matter shall not sit with the board, commission or committee while the matter is under consideration, and shall not be counted toward a quorum of that body for purposes of the consideration of such matter.

Section 2.41.020 Interests in Village business prohibited.

A. No officer, or employee or appointee of the Village shall be directly or indirectly financially interested in any contract work or business of the Village, or in the sale of any article, if the expense, price or consideration of such work, business or sale is paid from the Village treasury, or by any assessment levied by any act or ordinance of the Village. No officer, appointee or employee of the Village shall be directly or indirectly interested in the purchase of any real estate or other property by the Village.

B. No officer, appointee or department head shall do any business of any kind or nature with the Village except for the performance of those duties specified for the particular office holder by statute, ordinance or other regulation or order. This shall not prevent an entity in which one of those officials has an ownership interest from doing business with the Village so long as the conflicting ownership interest is one percent (1%) or less or the affected official complies with the disclosure requirements of Section 2.41.080 of this Chapter.

Section 2.41.030 Conflicts of interest prohibited.

No officer, appointee or employee shall participate in any official action that would constitute a conflict of interest under the statutes or common law of the State of Illinois.

Section 2.41.040 Incompatible interests prohibited.

No officer, appointee or employee shall have an interest in, or have a family relationship with a person having an interest in, a transaction that is incompatible with the proper discharge of his or her official duties in the public interest or that may impair his or her independence of judgment or action in the performance of his or her official duties.

Section 2.41.050 Representation of persons in certain matters prohibited.

A. No officer or appointee shall personally represent any person in any transaction before any board on which such officer or appointee serves, other than to represent (i) the Village, (ii) another officer, appointee or employee of the Village in their official capacity, or (iii) the officer or appointee himself or herself, or the spouse of such officer or appointee, with respect to the personal residence of such officer or appointee.

B. No employee shall personally represent any person other than (i) to represent an officer, appointee or employee of the Village in their official capacity, or (ii) to represent the employee himself or herself, or the employee's spouse, with respect to the personal residence of such employee, in any transaction before any board on which the employee serves as a member, or for which the employee serves as an advisor or staff liaison. Notwithstanding the foregoing, any employee who is a member of the Firefighters Pension Board or the Police Pension Board shall be entitled to appear before such board on his or her own behalf; provided the employee recuses himself or herself from the consideration of the transaction.

Section 2.41.060 Other prohibited acts.

A. Use of position to obtain employment for others. No officer or appointee shall directly or indirectly obtain or seek to obtain preferential treatment for any person seeking employment or other consideration from the Village for any purpose other than the betterment, advantage or best

interests of the Village. Nothing shall preclude the corporate authorities from exercising the full authority vested in them in the hiring of the Village Manager or other officer they have a duty to hire.

B. Discrimination on account of race, religion, national origin or sex. No officer, appointee or employee shall appoint or remove from, or in any way favor or discriminate against any other person with respect to any appointive office because of his or her race, religion, national origin or sex. However, this provision does not impair the appointing authority's discretion in determining the requirements for a position or in specifying a job assignment for a person already employed. Neither shall this provision affect any right or obligation of the Village to function as an affirmative action employer.

C. Disclosure of information. No officer, appointee or employee with respect to any transaction that is, or is reasonably expected to become, the subject of an official act or action, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village or use such information to advance the interest of such public official or employee or his family members.

Section 2.41.070 Competing interests.

An officer or appointee shall comply with the Section 2.41.080 and 2.41.090 when the officer or appointee: i) has actual knowledge that an entity is seeking consideration from or attempting to establish a business relationship with the Village; and ii) has actual knowledge that the same entity is in direct business competition with another entity in which the same officer or appointee has or is about to acquire an interest of more than a one percent (1%), or in which the officer or appointee is about to become an officer, director, management official, employee, attorney or other professional consultant.

Section 2.41.080 Disclosure of interests required.

A. Disclosure by members of the Village Council and by appointees. If a member of the Village Council or an appointee develops a conflict of interest, or believes that he or she may have an actual or apparent conflict of interest, that member or appointee ~~shall make full written or other public disclosure of the conflict and~~ shall comply with the following provisions.

1. The official shall obtain an advisory opinion from the Ethics Adviser or Village Attorney to determine whether the official has a conflict of interest and, if so, whether the conflict is an actual conflict or an apparent conflict, and what actions are required to address the conflict of interest.

2. The official shall make full written or other public disclosure of the conflict, whether actual or apparent.

3. 2.—In the event of an apparent conflict, the official shall abstain from voting on the issue involved in the conflict, unless the Ethics Adviser or Village Attorney advises the official to recuse himself or herself, in which case the official shall also comply with the following paragraph 4-3.

4. 3.—In the event of an apparent conflict, or if the Ethics Adviser or Village Attorney advises that an official recuse himself or herself, the official shall recuse himself or herself from the matter and shall refrain from private discussions with other members of the corporate

authorities, any other officer or appointee who may have authority to consider the matter, Village staff members or Village consultants with respect to the issue involved in the conflict.

~~5. 4.~~—If the conflict involves numerous issues or is so pervasive that it would render an appointee unable to properly carry out his or her obligations to the Village, the appointee should resign from the appointed position.

B. Disclosure by other officers. If the Village Manager, Finance Director or Village Attorney develops a conflict of interest with respect to a Village matter or if any other employee or consultant develops such a conflict of interest and may reasonably be expected to advise or participate in the discussion of the issue that is the subject of the conflict, that person shall:

1. Make full written or other public disclosure of the conflict; and
2. Abide by any prohibitions or restrictions issued by either the corporate authorities or the Village Manager, with respect to participation in the resolution of the issue that is the subject of the conflict.
3. If the conflict involves numerous issues or is so pervasive that it would render the person unable to properly carry out his or her obligations to the Village, the person should resign the office or position.

Section 2.41.090 Recusal required.

Any officer, appointee or employee shall recuse himself or herself in connection with any transaction that comes before such officer, appointee or employee in the course of his or her official duties, whenever such employee or officer has actual knowledge that he or she has (i) any interest in the transaction, (ii) a family relationship with a person having an interest in such transaction, or (iii) any interest in an applicant appearing before the officer, appointee or employee in an official capacity, even if the officer, appointee or employee does not have an interest in the transaction itself.

Section 2.41.100 Effect of conflict of interest on decision.

Unless otherwise required by applicable statutory or common law of the State of Illinois or the United States, nothing in this Chapter shall be deemed to reverse, or provide any basis for the reversal of or challenge to, any decision by a board, commission or committee on any transaction or negate any contract of the Village. This Chapter is intended only for the betterment of Village governance and provides no rights or benefits to any applicant, interested party, or third party to any transaction

Section 2.41.110 Penalties.

A. Any person who violates this Chapter shall be subject to a fine of not less than \$1,000.

B. In addition to fines and any other penalty that may be applicable, whether criminal or civil, an officer, appointee or employee who intentionally violates any provision of this Chapter is subject to discipline, or removal from office.

C. It is a violation of this Chapter to knowingly file a false charge against an officer or employee. Any person who knowingly files such a charge shall be subject to the penalties provided in this Section.

Section 2.41.120 Ethics Adviser.

The Ethics Adviser designated pursuant to Section 2.40.060 of this Code shall provide guidance to officers and employees in the interpretation and implementation of this Chapter and State conflict of interest laws and shall perform such other duties as may be delegated by the Village Council.

Section 2.41.130 Advisory opinions; defense of good faith.

It shall be an absolute defense to any action brought against any officer, appointee, employee or agent that, prior to acting, the person received in writing and in good faith from the Village Attorney or the Ethics Adviser an opinion that the action is not a violation of this Chapter.

Section 2.41.140 Ethics Commission.

The Ethics Commission created pursuant to Section 2.40.080 of this Code shall have the following powers and duties relating to matters arising under , in regard to this Chapter:

A. To process written complaints alleging violations of this Chapter.

B. Upon determining that an officer, appointee or employee has violated this Chapter, to take any or all of the following courses of action:

1. Issue a reprimand;
2. Order the officer, appointee or employee to cease and desist the offensive action;
3. Order the return or refund of money or other items, or an amount of restitution for services received in violation of this Chapter;

4. To recommend to the Board of Fire and Police Commissioners that a member of the Police Department or Fire Department be dismissed, to remove from office any appointee or officer subject to the Village Council's powers of appointment and, as to all other employees, appointees and officers, to recommend to the Village Manager that the employee or officer be disciplined, dismissed or removed from office;

~~5. To order that the officer, appointee or employee make a donation to a charity in an amount equal to the prohibited gift;~~

~~5. 6.~~ To impose a fine of up to one thousand dollars (\$1,000.00) per violation, to be deposited into the Village's General Fund; and

~~6. 7.~~ To refer violations to the Village Prosecutor or Cook County State's Attorney for prosecution and the imposition of fines and or incarceration in accordance with Section 3.1-55-10 of the Illinois Municipal Code. (65 ILCS 5/3.1-55-10)

C. If, after a hearing, the Commission finds no violation of this Chapter, the Commission shall dismiss the complaint.

D. Any decision by the Commission under this Chapter to dismiss a complaint, to refer a matter for prosecution or to make a recommendation to the Board of Fire and Police Commissioners or Village Manager is not a final decision. All other decisions of the Commission under this Chapter are final and are not subject to further review, either administratively or judicially, except that a decision imposing that imposes a fine or a decision that removes an officer from office, or that suspends or terminates the employment of an employee shall be subject to judicial review as provided by law.

E. This Section shall not be deemed to create a right on the part of any employee or officer who is subject to the appointment or hiring authority of the Board of Fire and Police

Commissioners or the Village Manager to a hearing before the Commission in addition to or as a condition of said Board or Village Manager taking any action to dismiss or otherwise discipline any such employee or officer.

Section 2.41. 150 Interpretation.

A. Nothing in this Chapter shall be deemed to in any way restrict the application of any State statute or any common law provision with respect to conflict of interest, malfeasance, misfeasance or nonfeasance in office that would otherwise be applicable to any person subject to the provisions of this Chapter. The provisions of this Chapter shall be deemed additional requirements and shall in no way be construed to be in derogation of present statutory penalties and other local remedies for acts prohibited in this article.

B. Authority of Village Manager. This Chapter does not repeal or otherwise amend or modify the authority of the Village Manager granted pursuant to Section 2.12.050 of this Code. The Village Manager shall have and retain the authority to appoint, remove or discipline any employee as provided in said Section 2.12.050 and any other applicable statute or ordinance, without being required to initiate a complaint for consideration of the Ethics Commission under this Chapter.

SECTION 4: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 5: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 5th day of January, 2010, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 5th day of January, 2009.

Signed:

Village President

Countersigned:

Village Clerk

Agenda Report

Subject: **Resolution R-4-2010: Willow Road Federal Aid Rehabilitation Amendment to Phase I Engineering Contract**

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: December 28, 2009

In November 2007, the Village Council awarded a contract to Civiltech Engineering to perform preliminary, Phase I Engineering services for a proposed Federal-Aid rehabilitation of Willow Road from Provident Avenue to the west Village limits, including the intersection of Willow Road and Forestway Drive. The contract value was not-to-exceed \$196,085. During Civiltech's performance of the contract, two significant issues arose that exceeded the scope of the original contract.

First, as the initial design and geometric studies were being completed, it became apparent that the right-of-way along the far west end of Willow Road, and along Forestway Drive, was not documented in as-built plans or available records. As a result, the consultant had to invest significant additional surveying effort to determine the actual existing right-of-way at these locations. This additional surveying work (item 1 in the attached exhibit) adds \$11,720 to the cost of the contract.

Second, the Village had initially directed Civiltech to prepare a three-lane cross section for the portion of Willow Road between Hibbard Road and Forestway Drive. However, the final report of the Joint Willow Road Steering Committee recommended a four-lane cross section for this section of roadway, and Civiltech revised their cross section and Intersection Design Study to reflect this recommendation. Then IDOT, during their project review, required that a five-lane cross section, including an eastbound left-turn lane be evaluated at the intersection of Willow Road and Forestway Drive. Civiltech again revised their plans and Intersection Design Study to reflect this five-lane cross section. This extra work, which includes items 2, 3, 5, and 6 in the attached exhibit, was beyond the initial contract scope and adds \$15,106 to the cost of the contract.

In addition to these issues, the Village asked Civiltech to perform additional pavement investigations to evaluate two alternate pavement designs for reconstructing the pavement, at an additional cost of \$889.

The total cost of these additional items is \$27,625, which raises the cost of the contract from \$196,085 to \$223,710.

This work is to be done using Motor Fuel Tax (MFT) funds, in accordance with IDOT's standard form of agreement for MFT-funded projects. The labor rates, payroll overhead rates, and fixed fee rates are Civiltech's IDOT-audited rates.

Funding

The project has been funded thus far with MFT funds. The FY 2009-2010 budget contains \$185,000 for this project in account 20-39-600-902. The attached Resolution R-4-2010 authorizes the expenditure of \$33,800 of MFT funds to complete plans and specifications for the Winnetka & Green Bay Traffic Signal Improvements. Phase II and III Engineering, and Construction, are programmed to receive federal funding for 70% of the total cost, with construction anticipated in the 2012 construction season.

Recommendation:

1. Consider adopting Resolution R-4-2010 authorizing expenditure of \$27,625 of additional MFT funds for design engineering to complete Phase I Engineering for the Willow Road Federal-Aid Rehabilitation.
2. Consider authorizing a contract extension not to exceed \$27,625 to Civiltech Engineering to complete Phase I Engineering for the Willow Road Federal-Aid Rehabilitation.

**Willow Road Phase I
Provident Avenue to West Village Limits
Village of Winnetka
Supplement #1**

SCOPE OF SERVICES

The purpose of this supplement is to determine the existing right-of-way along Willow Road and along Forestway Drive. This supplement also includes additional geometric design and traffic analyses required by the Village of Winnetka and the Illinois Department of Transportation (IDOT). Following is a detailed summary of the anticipated scope of services required to complete this project under the Federal-aid process:

Item 1 - Field Survey & Right-of-Way Calculation - The existing right-of-way along Willow Road and Forestway Drive has been unable to be determined from existing record plans and available tax maps. In order to develop accurate limits of right-of-way acquisition, additional field survey and record research will need to be completed. Also by determining the correct existing right-of-way will determine what level of environmental processing will be required as part of this project since two parcels that have potential right-of-way impacts are owned by the Cook County Forest Preserve. This work item will include the drafting of the existing right-of-way lines in the project base file.

A surveying subconsultant will perform the above tasks. We propose to use Jorgensen & Associates, Inc. as a subconsultant to perform the field survey and preparation of base maps. A copy of their detailed scope of work and proposal is attached to this Scope of Services as Attachment B.

Item 2 - Traffic Analysis - Initially, the Village requested that a three lane cross section be provided along Willow Road between Forestway Drive and Hibbard Road. Since then, the Village decided that a four lane cross section should be provided along Willow Road. After the December 9, 2008 FHWA meeting IDOT requested that a five lane cross section also be investigated along Willow Road.

This task will include performing additional intersection capacity analyses at the Willow Road/Forestway intersection and the Willow Road/Hibbard Road intersection for these alternates.

Item 3 - Alternate Geometric Studies - This task includes the preparation of additional horizontal and vertical geometrics for the section of Willow Road between Forestway Drive and Hibbard Road for the four lane cross section alternate and a five lane cross section alternate.

Item 4 - Pavement Investigation, Soil Borings and Analysis - This task includes performing additional calculations for a second pavement design. This task also includes the preparation of a technical memorandum comparing two pavement designs and the associated costs of each.

Item 5 - Preliminary Geometrics Submittal - This task includes the preparation of an additional traffic report and set of plan and profile sheets for a four lane cross section alternate.

Item 6 - IDOT Coordination - This item includes additional IDOT coordination required as a result of comments received at the December 9, 2008 FHWA meeting.

ATTACHMENT A
COST ESTIMATE OF CONSULTANT SERVICES (CECS)

EXHIBIT A-1
COST ESTIMATE OF CONSULTANT SERVICES
Willow Road Phase I Study
West Village Limits to Provident Avenue
Village of Winnetka
SUPPLEMENT # 1

ITEM	NUMBER OF MAN-HOURS (A)	PAYROLL (B)	OVERHEAD & FRINGE BENEFITS (C)	IN-HOUSE DIRECT COSTS (D)	SUB-TOTAL (B+C+D+E)	NET FEE (F)	SERVICES BY OTHER (G)	TOTAL (E+F+G+H)	% OF GRAND TOTAL (I)
1 Field Survey & Preparation of Base Maps	4	\$182	\$249	\$0	\$411	\$60	\$11,249	\$11,720	42.4%
2 Traffic Analysis	10	\$358	\$548	\$0	\$904	\$131	\$0	\$1,035	3.7%
3 Alternate Geometric Studies	108	\$3,138	\$4,828	\$0	\$7,966	\$1,155	\$0	\$9,121	33.0%
4 Pavement Investigation, Soil Borings and Analysis	8	\$306	\$471	\$0	\$777	\$113	\$0	\$889	3.2%
5 Preliminary Geometrics Submittal	34	\$944	\$1,452	\$0	\$2,396	\$347	\$0	\$2,744	9.9%
6 IDOT Coordination	16	\$728	\$1,120	\$0	\$1,848	\$268	\$0	\$2,118	7.7%
PROJECT TOTALS	180	\$5,634	\$8,668	\$0	\$14,302	\$2,074	\$11,249	\$27,625	100.0%

- (A) See attached Work Hour Estimate
- (B) See attached Work Hour Estimate for Hourly Rates
- (C) Overhead & Burden Rate = 153.86%
- (D) See attached Direct Costs
- (F) Profit = 0.145(2.5386 x Payroll)
- (G) See attached Subconsultant Fee Estimate

**EXHIBIT A-2
 DETAILED WORK HOUR ESTIMATE
 Willow Road Phase I Study
 West Village Limits to Provident Avenue
 Village of Winnetka
 SUPPLEMENT #1**

Item #	Sub-Task	Description	Total Work Hours
ITEM 1 FIELD SURVEY & RIGHT-OF-WAY CALCULATION			
	a.	Additional Field Survey and right-of-way calculation to be performed by subconsultant. See Attachment B for detailed scope of services.	
	b.	Draft Right-of-Way in base drawing.	2
	c.	Coordination with Subconsultant.	2
		Sub-Total Item 2 =	4
ITEM 2 TRAFFIC ANALYSIS			
	a.	Perform additional 2030 intersection capacity analyses at two signalized intersections for two alternates.	10
		Sub-Total Item 4 =	10
ITEM 3 ALTERNATE GEOMETRIC STUDIES			
	a.	Prepare additional preliminary horizontal geometrics for two design alternates.	40
	b.	Define additional preliminary vertical roadway geometrics including preliminary analysis of proposed roadway cross sections for two design alternates.	40
	d.	Refine horizontal and vertical geometrics based upon review comments.	28
		Sub-Total Item 6 =	108
ITEM 4 PAVEMENT INVESTIGATION, SOIL BORINGS AND ANALYSIS			
	a.	Prepare additional pavement design option and develop pavement cost analysis memo.	8
		Sub-Total Item 5 =	8
ITEM 5 PRELIMINARY GEOMETRICS SUBMITTAL			
	a.	Prepare Traffic Report for two additional alternates.	8
	b.	Prepare Roadway Plan & Profile exhibits for two additional alternates.	26
		Sub-Total Item 9 =	34
ITEM 6 IDOT COORDINATION			
	a.	IDOT Coordination Meetings	16
		Sub-Total Item 14 =	16
Total Phase I Engineering Workhours			180

**EXHIBIT A-3
 DETAILED DIRECT COSTS
 Willow Road Phase I Study
 West Village Limits to Provident Avenue
 Village of Winnetka
 SUPPLEMENT #1**

Item #	Description	No.	Units	Cost/Unit	In-House Costs	Services by Others
ITEM 1	FIELD SURVEY & RIGHT-OF-WAY CALCULATION					
	Subconsultant Expense				\$ -	
				Item 2 Total	\$ -	\$ 11,249.02

In-House Direct Cost Total =					\$ -	
Services by Others Cost Total =						\$ 11,249.02

**EXHIBIT A-4
HOURLY RATES
Willow Road Phase I Study
West Village Limits to Provident Avenue
Village of Winnetka
SUPPLEMENT #1**

Classification	Hourly Rate
Principal Engineer	\$70.00
Project Manager	\$54.00
Project Engineer	\$32.50 to \$37.00
Drainage Engineer	\$32.50
Design Engineer	\$25.00
Senior Design Technician	\$27.00

AGENDA REPORT

Subject: Dehumidification Unit Bids, Water Plant

Prepared by: Brian Keys, Director Water & Electric

Ref.: Budget Presentation, February 5, 2009

Date: December 28, 2009

The Water & Electric Department requested bids (Bid #09-024) for the purchase of one desiccant dehumidifier unit for the water plant. This equipment will be installed to reduce the humidity level of the basement area in the water plant commonly referred to as the “pipe gallery”. Piping, fittings and equipment in this area of the plant has deteriorated at a quicker pace due to the high levels of moisture. Installation of a dehumidification unit was identified in the *2008 Long-Term Water Plant Improvement Plan*.

The design firm, GS/RHMG Joint Venture, and staff identified a unit manufactured by Munters Corporation as the preferred piece of equipment for this application. As part of the equipment identification phase, staff also met with individuals from the Evanston water treatment facility to solicit user feedback and operating experience with Munters dehumidification units. Their experience with Munters’ units has been positive.

The bid specification includes the procurement of the dehumidifier, training and commissioning of the unit. Installation of the ductwork and utility connections will be accomplished by contractors and Village staff.

A bid notice was published in the Pioneer Press and bid notices were sent to the equipment manufacturer and various distributors. The unit manufactured by Munters was specified as the preferred equipment, but vendors were permitted to submit alternates that met or exceeded the technical requirements of the bid specification.

The following companies submitted bids:

Company Name	Manufacturer of Dehumidifier Unit	Bid
G.V. Zintel Associates, Inc.	Munters	\$43,975.00
Miller Engineering Co.	Innovative Air Technologies	\$36,060.00
Amber Mechanical Contractors	Concepts and Designs, Inc.	\$54,200.00

The low bidder, Miller Engineering Company, quoted an alternate that contained deviations from the required bid information and specification that resulted in their bid being unacceptable.

Some of these deviations were as follows:

- Failure to provide technical information on unit’s performance.
- Insufficient information on the desiccant material construction, and replacement.
- Failure to provide references where similar units have been installed.
- Failure to provide dimensional drawings to show the unit’s physical size.

- Insufficient detail to confirm that the unit is designed for outdoor applications.
- Unit's air plenum is designed with galvanized steel versus aluminum.

Staff recommends accepting the lowest bid that meets the bid specification, which is G.V. Zintel Associates, Inc. This will permit the purchase of the dehumidifier; additional contracts will be issued for the ductwork and pad construction. The FYE 2010 Budget for the Water Department contains \$152,000 for the dehumidification project.

Recommendation: Consider authorizing the Village Manager to issue a purchase order to G.V. Zintel Associates, Inc. in the amount of \$43,975 for the purchase of the Munters dehumidification unit.