

Dec. 15, 2020 Council QA

Monday, December 14, 2020 8:17 AM

I. CONSENT AGENDA:

1. **20-1458** Approve the cash disbursements for the period of 11/01/2020 through 11/30/2020 for a total of \$46,548,045.79.
2. **20-1407** Approve the City Council Budget Workshop #2 minutes of November 9, 2020
3. **20-1438** Approve the City Council Budget Workshop #3 minutes of November 23, 2020
4. **20-1490** Approve the regular City Council meeting minutes of December 1, 2020
5. **20-1486** Approve the City Council meeting schedule for January, February and March 2021
6. **20-1158** Approve the award of Sole Source Procurement 20-375, Axon Taser Equipment, to Axon Enterprise for an amount not to exceed \$276,000 and for a five-year term

Q:	How much do these tasers cost each. Can these be purchased thru state bids for a better price?	Hinterlong
A:	The unit cost per taser (and accessories) is \$720, which is a subscription-based fee paid annually. Staff investigated two potential cooperative and state bid contracts, one through NPPGov and another through the State of Texas. The City's sales representative for Axon confirmed that neither of these two contracts would provide the City with better pricing. Staff also compared pricing with other police departments. Please note that vendors are obligated to disclose (and offer) cooperative or state contract pricing (if available) to eligible entities when requested.	Mayer

7. **20-1480** Approve Mayoral appointments to the Emergency Telephone System Board and the Liquor Commission
8. **20-1481** Approve a temporary use to allow a searchlight to be used at The Compass Church, 1551 Hobson Road, on December 18-19, 2020
9. **20-1447** Accept the public underground and street light improvements at Wagner Farm Phase 2 and authorize the City Clerk to reduce the corresponding public improvement surety
10. **20-1386B** Pass the ordinance granting a variance to allow a recreational vehicle exceeding the weight requirements to be parked on the driveway at 16 Pepperidge Road - PZC #20-1-095
11. **20-1387B** Pass the ordinance granting a variance to allow a generator to encroach into the interior side yard setback at 743 Cardigan Court - PZC #20-1-097

12. **20-1393B** Pass the ordinance decommissioning the Downtown Advisory Commission of the City of Naperville and deleting Chapter 20 (Downtown Advisory Commission) of Title 2 (Boards and Commissions) of the Naperville Municipal Code
13. **20-1452** Pass the ordinance granting a deviation to the 35' platted building line based on the provisions of Section 7-1-13 of the Municipal Code for the property located at 730 Highland Ave - PZC 20-1-111
14. **20-1454** Pass the ordinance releasing obligations and covenants in an agreement affecting the property located at 850 E. Ogden
15. **20-1479** Pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total levy of \$27,000 for Special Service Area No. 31 (Downtown Streetscape - Block 423)
16. **20-1483** Pass the ordinance approving the Preliminary/Final Plat of Subdivision and
OAA for Webster Street Estates (636 S. Webster) - PZC 20-1-103
17. **20-1421B** Pass the ordinance approving a variance to allow a screened-in porch to encroach into the rear yard setback at 2429 Newport Drive - PZC 20-1-100
18. **20-1491** Adopt the resolution authorizing execution of a collective bargaining agreement between the City of Naperville and F.O.P. Lodge No. 42.

Q:	<p>A. Does the 'experience bonus' affect pension or retirement benefits?</p> <p>B. How many officers do we expect to pay experience bonuses to in 2021 and what is the total annual cost of those bonuses each year of the contract?</p> <p>C. What is the rationale behind increasing the experience bonus in this contract?</p>	Sullivan
A:	<p>A. Yes, the experience bonus is a pensionable pay item.</p> <p>B. The existing FOP CBA has a provision under which police officers are paid an annual lump sum payment known as "Experience Pay".</p> <p>In the current contract, officers with 10 to 14 years of service receive a payment of \$2,000. Officers with 15 or more years of service receive a payment of \$3,250. In the CBA pending before Council, the City and Union increased the payment to \$3,750 at 20 plus years of service.</p> <p>67 officers in total received a payment in 2020. 67 officers will be eligible for a payment in 2021.</p> <p>We expect several officers to retire each year after 2021. Based upon retirement estimates, the estimated number of officers receiving payments and the annual cost of those payments in the police officer bargaining unit is as follows:</p> <p>2021 – 67 officers/ \$233,500; 2022 – 64 officers/ \$222,500; 2023 – 70 officers/ \$231,250; and 2024 – 72 officers/ \$228,500.</p> <p>C. City Council authorized a 12.5% wage increase over a five-year contract. The Union proposed increasing the experience pay payment in addition to the 12.5% increase. The City</p>	Mayer / Pancottine

	<p>informed the Union that that it could not agree to this unless the Union made wage cost concessions that paid for this additional benefit.</p> <p>The parties agreed to freeze the starting pay for newly hired officers at the 2019 rate through 2021 at which point the frozen rate would then increase each year by the negotiated percentage wage increase amount. Based upon estimates of retirement and new hire activity over the life of the contract, the starting wage freeze saved the City an amount equal to the cost of the experience pay increase.</p>	
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J. PUBLIC HEARINGS:

1. **20-1468** Conduct a Truth-in-Taxation hearing for the City's property tax levy
2. **20-1469** Pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total tax levy of \$62,126,976 (Item 2 of 3)
3. **20-1470** Pass the ordinance to abate a portion of the 2020 Tax Levy for the City of Naperville authorizing an abatement of \$8,624,089 from the total tax levy of \$62,126,976 for a net total of 2020 tax levy of \$53,502,887 (Item 3 of 3)
4. **20-1471** Conduct a Truth-in-Taxation hearing for the Special Service Area No. 23 (Naper Main) property tax levy (Item 1 of 2)
5. **20-1472** Pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total levy of \$98,939 for Special Service Area No. 23 (Naper Main) (Item 2 of 2)
6. **20-1473** Conduct a Truth-in-Taxation hearing for the Special Service Area No. 25 (IL Route 59 and Lacrosse Lane) property tax levy (Item 1 of 2)
7. **20-1474** Pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2021 and ending December 31, 2021 adopting a total levy of \$68,000 for Special Service Area No. 25 (IL Route 59 and Lacrosse Lane) (Item 2 of 2)
8. **20-1475** Conduct a Truth-in-Taxation hearing for the Special Service Area No. 33 (Downtown Maintenance Expenses and Marketing Costs) property tax levy (Item 1 of 2)
9. **20-1476** Pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021 adopting a total tax levy of \$1,146,702 for Special Service Area No. 33 (Downtown Maintenance Expenses and Marketing Costs) (Item 2 of 2)

L. ORDINANCES AND RESOLUTIONS:

1. **20-1197C** Pass the ordinance amending the Naperville Municipal Code to expand and replace the Housing Advisory Commission and fair housing ordinance with the Human Rights and Fair Housing Commission and human rights and fair housing ordinance
2. **20-1360B** Consider two options concerning regulation of conflicts of interest:

OPTION 1: Pass the ordinance amending the Naperville Municipal Code's regulation of conflicts of interest

OPTION 2: Direct staff to include access, via the City of Naperville website, to City Councilmember Campaign Committee Contribution reports on file with the Illinois Board of Elections

Q:	<p>A. If Option 2 were to be approved by Council, is there any concern from staff that using a city resource (the website and staff time) to update links to current Councilmembers' State Board of Elections filings would present any issues mixing campaigns and city business?</p> <p>B. If Option 2 were to be approved, would the City be furnishing anything more than a hyperlink straight to the State Board of Elections? Or does 'access' mean something else in this context?</p> <p>C. Does the Naperville City Council have any authority or standing which would allow us to create ordinances or otherwise amend our municipal code that would affect candidates or campaign finance law for either County, Township, State or Federal offices?</p>	Sullivan
A:	<p>A. The Illinois State Officials and Employees Ethics Act (5 ILCS 430/5-15) holds that City employees shall not intentionally perform any prohibited political activity during any compensated time and shall not intentionally misappropriate any City property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization. Posting of a link to the Illinois State Board of Elections' webpage where Council members' contribution filings are listed is not a prohibited political activity enumerated in the Act.</p> <p>B. Staff anticipates including a hyperlink to the Illinois State Board of Elections' webpage where Council members' contribution filings are listed.</p> <p>C. No.</p>	DiSanto
Q:	<p>1. I'm still very confused as to when these disclosures would have to be made under the proposed ordinance. For instance, at the last meeting Steve Rubin called into the meeting to voice his position on an issue. Steve Rubin has donated to many current and former councilmen. Under the proposed disclosure ordinance, under what circumstances would those donations have to be disclosed:</p> <p>A. What if he had called in on behalf of a charity during a SECA workshop?</p> <p>B. What if he had called in on behalf of DNA regarding the SSA or zoning matter?</p> <p>C. What if he called in because he owned an interest in a LLC that appears on our agenda?</p> <p>D. Would it matter if the LLC he called in on behalf of was not the entity that gave the donation?</p> <p>E. What if it's a tenant that leases from an entity that Rubin owns and pays rent to Rubin that appears on our agenda? Would that trigger the disclosure?</p> <p>2. A couple meetings ago we voted on a banner relative to the Water Street Hotel. One of the developments owners, Nick Ryan, has donated to many current and former council members.</p> <p>A. If the proposed disclosure ordinance passed, would a disclosure have to be made on every vote that involves the water street hotel or water street?</p> <p>B. Would disclosure have to be made on votes relative to the Water Street TIF?</p>	Coyne

3. Some time ago, a man who appeared at one of our meetings took issue with my having received a donation from a company that had a co-owner that also owned part of Naperville's Petland. The company that made the donation to my campaign was not a party to our hearing.

A. Would a donation from a company that wasn't on the agenda, but had an owner that was also an owner of a company that did appear on the agenda, have to be disclosed?

B. How significant does the individual interest in the entity appearing on the agenda have to be to trigger the disclosure requirement (I assume getting a \$500 from John Smith whom also owns 1 share of Starbucks stock doesn't trigger the disclosure requirement should Starbucks appear on our agenda).

C. The before-mentioned donation also did not go to my council campaign account, it went to my county board campaign account. Would donations to campaign accounts not related to city council campaigns also be subject to this proposed ordinance?

D. We have had council members run for Congress, State Rep, and Senate. Those campaigns can amass donations reaching into the millions. Would donations to these non-council campaign accounts also require disclosure?

4. We have numerous people now serving on our boards and commissions that have run for office and have their own campaign accounts.

A. Would they too be subject to these same disclosure requirements?

B. People serving on boards and commissions also often make donations to council members, would these donations have to be disclosed if issues relative to those boards and commissions come to council? I.E. Mark Urda regularly speaks before council on issues related to HPC---if he donated to a council member, would that council member have to disclose the donation should Urda speak at a meeting? What if it was just the HPC recommendation in which Urda was a part of that came to council...would the donation have to be disclosed.

5. My sense during first reading was that there was no intention to actually enforce this ordinance against anyone on the dais. It was more of a statement. Has a resolution as opposed to an actual ordinance been discussed?

6. Our employees are prohibited from making donations to council campaigns. Yet numerous council members have accepted donations from our fire union which is obviously comprised of city employees.

A. Could we stretch the prohibition on employees giving donations to council members not being allowed to accept donations from our fire union or any other employee union?

B. For those council members that have received fire union donations, hereon are they going to have to disclose that donation every single time the fire department weighs in on an issue? Would this not be an issue that would arise at virtually every meeting?

7. One of the larger contributors to our council candidates have been private unions. Those unions rarely are actually named petitioners on an agenda.

A. At what point would private union donations ever have to be disclosed given those unions are not a named petitioner or party to the hearing?

B. Will a duty to find out what unions are going to benefit from a CIP project that is being debated be created by this disclosure requirement?

C. Private unions also sometimes assist campaigns - significantly - with manpower such as putting up signs and passing literature. Could we require this kind of campaign assistance to also be disclosed and has this been discussed?

8. The Mayor raised a good point, as to how will donations amongst those on the dais be treated? If I received a donation from the mayor, and the mayor makes a motion, would I have to disclose the donation before voting on the item raised?

9. At the last council meeting hundreds of comments were read into the record. I've received donations from a few of the people that commented. Moving forward would such donations have to be disclosed if someone merely emailed in a statement of position? What if they merely emailed in a concern but not for purposes of it being read on the record--would the donation have to be disclosed?

10. Larger law firms often assign a staff person to monitor possible conflicts. Has this been considered? In other words, the councilmen all give staff a list of applicable donations and before each meeting that list is cross referenced by staff against all the names in that particular meetings packet. Could we do this? Could we do it without budgetary impact?

11. A couple years ago we had a council member vote on a very contentious matter that was presented by her son. If we wanted to have our codes updated to prohibit council members from voting on petitions brought by family, should we do it as part of this agenda item or would it be better handled separately in new business? I know the codes prohibit voting on matters if family has a financial interest in the issue, but in this case the interest was not a financial one but was of significant local interest nonetheless.

12. Sometimes the local Republican and Democrat Party will take an active interest in matters on our agenda. For instance, when the marijuana issue was on our agenda, numerous elected Democratic precinct committeemen and party leaders were speaking and lobbying for marijuana stores to be allowed.

A. If those same proponents were giving endorsements to or provided campaign or political support to anyone on the dais, would that support have to be disclosed under this disclosure ordinance?

B. Assuming the answer above is No, could we draw the ordinance to require such campaign support to be disclosed (as often that assistance and endorsements are clearly worth far more than \$500).

C. What if the local Republican Party or Democrat Party made a donation to a councilman and those organizations' party leaders came to speak on the issue on an issue before council---would a disclosure requirement be triggered?

D. Donations sometimes come by "transfers" from officeholders that hold a partisan office---when would these kinds of donations ever have to be disclosed. These office holders are never going to be personally on the agenda yet may be actively lobbying and advocating for a councilman to take a position on an agenda item.

13. Every meeting we vote on a financial disbursement schedule that has hundreds of parties within it. Would the disclosure requirement be triggered should a donor appear in this disbursement schedule?

A:

1. I'm still very confused as to when these disclosures would have to be made under the proposed ordinance. For instance, at the last meeting Steve Rubin called into the meeting to voice his position on an issue. Steve Rubin has donated to many current and former councilmen. Under the proposed disclosure ordinance, under what circumstances would those donations have to be disclosed:

Under the proposed ordinance, if a Council Member has accepted a Relevant Campaign Contribution ("RCC") in excess of \$500 from any Interested Entity said Council member must publicly disclose having received the RCC and the amount of said Contribution prior to voting on the matter. The definition of Interested Entities includes

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petitioners, Public Participants, and their representatives. Public Participants include anyone who signs up for public participation related to an agenda item pending before the Council.

If the ordinance is adopted, prior to the Council meeting, Council Members will be responsible for reviewing the Council agenda and the list of persons who have signed up to participate during the Council meeting to determine whether there are any Interested Entities involved that will require the Council Member to make a disclosure. If so, the Council Member will have to disclose the RCC upon the agenda item being called during the meeting.

In the hypothetical proposed, if a Council Member has accepted a RCC from Mr. Rubin, the Council Member would need to disclose the RCC any time Mr. Rubin qualifies as an Interested Entity (i.e., any time he or an entity for which he is an officer is a petitioner, Public Participant, or their representative).

- A. What if he had called in on behalf of a charity during a SECA workshop?

In the hypothetical proposed, acceptance of a RCC from a Public Participant will require a disclosure.

- B. What if he had called in on behalf of DNA regarding the SSA or zoning matter?

In the hypothetical proposed, acceptance of a RCC from a Public Participant will require a disclosure.

- C. What if he called in because he owned an interest in a LLC that appears on our agenda?

In the hypothetical proposed, acceptance of a RCC from the officer of an entity that is a Petitioner and of a Public Participant will require a disclosure.

- D. Would it matter if the LLC he called in on behalf of was not the entity that gave the donation?

No. In the hypothetical proposed, acceptance of a RCC from the officer of an entity that is a Petitioner and of a Public Participant will require a disclosure.

- E. What if it's a tenant that leases from an entity that Rubin owns and pays rent to Rubin that appears on our agenda? Would that trigger the disclosure?

In the hypothetical proposed, a disclosure would not be required because landlord relationship does not make the tenant an Interested Entity under the proposed ordinance.

2. A couple meetings ago we voted on a banner relative to the Water Street Hotel. One of the developments owners, Nick Ryan, has donated to many current and former council members.

- A. If the proposed disclosure ordinance passed, would a disclosure have to be made on every vote that involves the water street hotel or water street?

In the hypothetical proposed, presuming Mr. Ryan made a RCC, a disclosure would be required to be made any time Mr. Ryan or an entity for which he is an officer is a Petitioner or Public Participant. Not every matter involving Hotel Indigo or Water Street would require a disclosure, only those for which Mr. Ryan or an entity for which he is an officer is a Petitioner or Public Participant.

- B. Would disclosure have to be made on votes relative to the Water Street TIF?

In the hypothetical proposed, additional facts and analysis would be required to determine whether a disclosure would be required, but presuming Mr. Ryan made a RCC, a disclosure would be required to be made any time Mr. Ryan or an entity for which he is an officer is a Petitioner or Public Participant. Not every matter involving the Water Street TIF would require a disclosure, only those for which Mr. Ryan or an entity for which he is an officer is a Petitioner or Public Participant.

3. Some time ago, a man who appeared at one of our meetings took issue with my having received a donation from a company that had a co-owner that also owned part of Naperville's Petland. The company that made the donation to my campaign was not a party to our hearing.

- A. Would a donation from a company that wasn't on the agenda, but had an owner that was also an owner of a company that did appear on the agenda, have to be disclosed?

In the hypothetical proposed, additional facts and analysis would be required to determine whether a disclosure would be required, but it the proposed ordinance does not consider a RCC made by one entity to cause all officers of said entity to be considered Interested Entities in matters not involving said entity so a disclosure would likely not be required.

- B. How significant does the individual interest in the entity appearing on the agenda have to be to trigger the disclosure requirement (I assume getting a \$500 from John Smith whom also owns 1 share of Starbucks stock doesn't trigger the disclosure requirement should Starbucks appear on our agenda).

The proposed ordinance considers individuals who serve as corporate officers as relevant for purposes of assessing whether one is an Interested Entity.

- C. The before-mentioned donation also did not go to my council campaign account, it went to my county board campaign account. Would donations to campaign accounts not related to city council campaigns also be subject to this proposed ordinance?

The proposed ordinance only considers contributions made to a Council Member's most recent past Naperville Mayoral or City Council election campaign through the present as relevant for RCC analysis. Contributions made to one's County Board campaign are not subject to the proposed ordinance.

- D. We have had council members run for Congress, State Rep, and Senate. Those campaigns can amass donations reaching into the millions. Would donations to these non-council campaign accounts also require disclosure?

The proposed ordinance only considers contributions made to a Council Member's most recent past Naperville Mayoral or City Council election campaign through the present as relevant for RCC analysis. Contributions made to one's Congress, State Rep., or Senate campaign are not subject to the proposed ordinance.

4. We have numerous people now serving on our boards and commissions that have run for office and have their own campaign accounts.

- A. Would they too be subject to these same disclosure requirements?

No, the proposed ordinance only imposes new disclosure requirements for City Council Members.

Board and Commission members, as well as City employees, remain subject to existing conflict of interest regulations.

- B. People serving on boards and commissions also often make donations to council members, would these donations have to be disclosed if issues relative to those boards and commissions come to council? I.E. Mark Urda regularly speaks before council on issues related to HPC---if he donated to a council member, would that council member have to disclose the donation should Urda speak at a meeting? What if it was just the HPC recommendation in which Urda was a part of that came to council...would the donation have to be disclosed.

Under the proposed ordinance, the definition of Interested Entities includes petitioners, Public Participants, and their representatives. Public Participants include anyone who signs up for public participation related to an agenda item pending before the Council.

In the hypothetical proposed, Mr. Urda's service as a HPC Commissioner would not cause him to be considered an interested entity; however, if he chose to publicly speak at a Council meeting on an agenda item, then his participation would categorize him as an Interested Entity by reason of being a Public Participant.

5. My sense during first reading was that there was no intention to actually enforce this ordinance against anyone on the dais. It was more of a statement. Has a resolution as opposed to an actual ordinance been discussed?

Staff does not recall a resolution concerning City Council conflicts of interest having been discussed by City Council.

6. Our employees are prohibited from making donations to council campaigns. Yet numerous council members have accepted donations from our fire union which is obviously comprised of city employees.

Staff is unaware of any regulation prohibiting City employees from making voluntary contributions to City Council campaigns. The Illinois State Officials and Employees Ethics Act ([5 ILCS 430/5-15](#)) holds that City employees shall not intentionally perform any prohibited political activity *during any compensated time and shall not intentionally misappropriate any City property or resources by engaging in any prohibited political activity for the benefit of any campaign* for elective office or any political organization. (emphasis added)

- A. Could we stretch the prohibition on employees giving donations to council members not being allowed to accept donations from our fire union or any other employee union?

See response above. Additionally, staff does not believe content-based campaign contribution regulations are likely to pass constitutional muster.

- B. For those council members that have received fire union donations, hereon are they going to have to disclose that donation every single time the fire department weighs in on an issue? Would this not be an issue that would arise at virtually every meeting?

Under the proposed ordinance, if a Council Member received a RCC from the Firefighters Union, a disclosure would be required to be made any time the Firefighters Union is a Petitioner or Public Participant. Not every matter involving the Naperville Fire Department would require a disclosure, only those for which the Firefighters' Union is a Petitioner or Public Participant. Staff anticipates approval of the Firefighters collective bargaining agreement and potentially incidents where Council may be called

upon to consider a civil litigation agreement involving a union officer as incidents where a disclosure could be required.

7. One of the larger contributors to our council candidates have been private unions. Those unions rarely are actually named petitioners on an agenda.

- A. At what point would private union donations ever have to be disclosed given those unions are not a named petitioner or party to the hearing?

Under the proposed ordinance, if a Council Member received a RCC from a public union, a disclosure would be required to be made any time the public union is a Petitioner or Public Participant. Not every matter involving the City department where union representatives work would require a disclosure, only those for which the union is a Petitioner or Public Participant. Staff anticipates approval of a union's collective bargaining agreement and potentially incidents where Council may be called upon to consider a civil litigation agreement involving a union officer as incidents where a disclosure could be required.

- B. Will a duty to find out what unions are going to benefit from a CIP project that is being debated be created by this disclosure requirement?

No. See answer above.

- C. Private unions also sometimes assist campaigns - significantly - with manpower such as putting up signs and passing literature. Could we require this kind of campaign assistance to also be disclosed and has this been discussed?

The proposed ordinance includes in-kind contributions as relevant for the analysis concerning RCC. The standard is the same as the one imposed by the Illinois State Board of Elections. In other words, if the in-kind contribution is required to be disclosed to Illinois State Board of Elections it is relevant for the RCC analysis under the proposed ordinance.

8. The Mayor raised a good point, as to how will donations amongst those on the dais be treated? If I received a donation from the mayor, and the mayor makes a motion, would I have to disclose the donation before voting on the item raised?

Under the proposed ordinance, a Council Member is not required to disclose contributions received from other Council Members unless said Council Member is a Petitioner, Public Participant or their representative. The making of a motion would not cause a fellow Council Member to be considered an Interested Entity.

9. At the last council meeting hundreds of comments were read into the record. I've received donations from a few of the people that commented. Moving forward would such donations have to be disclosed if someone merely emailed in a statement of position? What if they merely emailed in a concern but not for purposes of it being read on the record-- would the donation have to be disclosed?

Under the proposed ordinance, a disclosure is required when Public Participants have made a RCC. Public Participants include anyone who signs up for public participation related to an agenda item pending before the Council. If an entity submits a written position statement or comment to be included in the record (minutes) of a City Council meeting then the entity will be considered a Public Participant. If the entity instead submits an email offline that is not included in the Council meeting then that entity would not be considered a Public Participant under the proposed ordinance.

10. Larger law firms often assign a staff person to monitor possible conflicts. Has this been considered? In other words, the councilmen all give staff a list of applicable donations and before each meeting that list is cross referenced by staff against all the names in that particular meetings packet. Could we do this? Could we do it without budgetary impact?

It is not recommended that staff be required to enforce this self-imposed ethics rule for City Council Members. Council Members are in the best position to know and control the entities that they have accepted contributions from and under the proposed ordinance Council is responsible for self-policing this matter. If directed to monitor Council conflicts, it is unknown at this time whether addition staff resources would be necessary and the budgetary impact.

11. A couple years ago we had a council member vote on a very contentious matter that was presented by her son. If we wanted to have our codes updated to prohibit council members from voting on petitions brought by family, should we do it as part of this agenda item or would it be better handled separately in new business? I know the codes prohibit voting on matters if family has a financial interest in the issue, but in this case the interest was not a financial one but was of significant local interest nonetheless.

Staff recommends Council consider conflict of interest regulations concerning matters involving family members without a financial interest separately as additional staff research would be necessary.

12. Sometimes the local Republican and Democrat Party will take an active interest in matters on our agenda. For instance, when the marijuana issue was on our agenda, numerous elected Democratic precinct committeemen and party leaders were speaking and lobbying for marijuana stores to be allowed.

- A. If those same proponents were giving endorsements to or provided campaign or political support to anyone on the dais, would that support have to be disclosed under this disclosure ordinance?

Under the proposed ordinance, if a Council Member has accepted a RCC in excess of \$500 from any Interested Entity said Council member must publicly disclose having received the RCC and the amount of said Contribution prior to voting on the matter. The definition of Interested Entities includes petitioners, Public Participants, and their representatives. Public Participants include anyone who signs up for public participation related to an agenda item pending before the Council.

In the provided example, if a political organization is the Petitioner or a Public Participant a disclosure would be required. If an individual who is a Public Participant is an officer of the corporate political entity a disclosure could be required. An endorsement by the political organization would not be considered a RCC under the proposed ordinance.

- B. Assuming the answer above is No, could we draw the ordinance to require such campaign support to be disclosed (as often that assistance and endorsements are clearly worth far more than \$500).

The proposed ordinance requires disclosure if any entity makes a RCC over \$500 and is a Petitioner, Public Participant or their representative. The standards for RCC include in-kind contributions as regulated by the Illinois State Board of Elections. It is staff's understanding that said regulations do not extend to endorsement and staff does not recommend regulations that could be considered content-based rather than neutral.

	<p>C. What if the local Republican Party or Democrat Party made a donation to a councilman and those organizations' party leaders came to speak on the issue on an issue before council---would a disclosure requirement be triggered?</p> <p>Possibly, if the "party leader" is an officer in the corporate political entity and his or her participation qualifies under the definition of Interested Entity in the proposed ordinance.</p> <p>D. Donations sometimes come by "transfers" from officeholders that hold a partisan office---when would these kinds of donations ever have to be disclosed. These office holders are never going to be personally on the agenda yet may be actively lobbying and advocating for a councilman to take a position on an agenda item.</p> <p>The proposed ordinance only considers contributions made to a Council Member's most recent past Naperville Mayoral or City Council election campaign through the present as relevant for RCC analysis. "Transfers" are not subject to the proposed ordinance except possibly as to the transferring entity if said entity appears on the recent campaign contribution disclosure reports on file with the Illinois State Board of Elections.</p> <p>13. Every meeting we vote on a financial disbursement schedule that has hundreds of parties within it. Would the disclosure requirement be triggered should a donor appear in this disbursement schedule?</p> <p>The proposed ordinance focuses on conflict of interests involving Petitioners, Public Participants, and their representatives. Generally, contract awards are already covered by the Prohibited Interest in Contracts Act, 50 ILCS 105/3 ("PICA"). PICA prohibits elected public officials from having an interest in contracts (with exceptions for relatively insignificant interests). It generally prohibits elected officials from being financially interested in a contract entered by the municipality and violations of PICA carry criminal penalties.</p>	
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M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. **20-1429** Approve the award of Change Order #1 to Contract 18-036, Edward Substation Transformer, to Niagara Transformer Corporation for an amount not to exceed \$298,612 and a total award of \$1,500,684 plus 3% contingency

O. REPORTS AND RECOMMENDATIONS:

1. **20-1239B** Option A: Concur with Petitioners' request to overturn the decision made by the Historic Preservation Commission and approve COA #20-3281 permitting the stone applied over the existing brick at the base of the primary façade at 219 North Ellsworth Street, which was installed without an approved COA, to remain in place.

Option B: Concur with the Historic Preservation Commission and deny Petitioners' request to overturn the Historic Preservation Commission's denial of COA #20-3281, thereby requiring the stone applied over the existing brick at the base of the primary façade at 219 North Ellsworth Street, which was installed without an approved COA, to be removed.

Q:	How long did the petitioners own the house before the stone	Sullivan
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	work commenced? The petitioners claim that several other houses have the same stonework done to cover brick on their homes in the historic district. Has this been verified? If so, were COAs awarded to those homeowners?	
A:	<p>The property owner has indicated in prior discussions that the home was purchased in 2017; the stone work was completed in 2020.</p> <p>The property owner did not provide a list of the properties that he believes the prior brick was covered with stone; accordingly, this claim has not been verified by staff nor have specific addresses been checked to confirm is a COA was required/obtained.</p> <p>However, based on a quick review of our records, we do not show a prior COA case where brick was covered with stone.</p>	Russell

2. **20-1488** Receive the December 2020 Financial Report

Q:	The State of Illinois posted distributions for Income Tax and Local Use Tax on Monday, December 14, after publication of the December Financial Report. Updated revenue figures for December and through year end are highlighted in the two tables below.					Munch																																																															
A:	<table><tr><th>Revenue</th><th>Projection</th><th>Actual</th><th>Diff (\$)</th><th>Change (%)</th></tr><tr><td>Sales Tax</td><td>2,958,588</td><td>2,981,294</td><td>22,706</td><td>0.8</td></tr><tr><td>State Income Tax</td><td>873,573</td><td>981,281</td><td>107,708</td><td>12.3</td></tr><tr><td>Home Rule Sales Tax</td><td>1,381,224</td><td>1,123,458</td><td>(257,766)</td><td>-18.7</td></tr><tr><td>Motor Fuel Tax</td><td>563,094</td><td>471,054</td><td>(92,040)</td><td>-16.3</td></tr><tr><td>Local Use Tax</td><td>415,597</td><td>556,717</td><td>141,120</td><td>34.0</td></tr><tr><td>Totals</td><td>6,192,076</td><td>6,113,804</td><td>(78,272)</td><td>-1.3</td></tr></table> <table><tr><th>Revenue</th><th>Projection (through Dec.)</th><th>Actual (through Dec.)</th><th>Diff (\$)</th></tr><tr><td>Sales Tax</td><td>35,542,844</td><td>33,505,660</td><td>(2,037,183)</td></tr><tr><td>State Income Tax</td><td>15,080,841</td><td>16,023,126</td><td>942,285</td></tr><tr><td>Home Rule Sales Tax</td><td>14,006,600</td><td>12,878,023</td><td>(1,128,578)</td></tr><tr><td>Motor Fuel Tax</td><td>5,745,760</td><td>5,523,643</td><td>(222,118)</td></tr><tr><td>Local Use Tax</td><td>4,600,000</td><td>6,028,815</td><td>1,428,814</td></tr><tr><td>Totals</td><td>74,976,045</td><td>73,959,266</td><td>(1,016,779)</td></tr></table>					Revenue	Projection	Actual	Diff (\$)	Change (%)	Sales Tax	2,958,588	2,981,294	22,706	0.8	State Income Tax	873,573	981,281	107,708	12.3	Home Rule Sales Tax	1,381,224	1,123,458	(257,766)	-18.7	Motor Fuel Tax	563,094	471,054	(92,040)	-16.3	Local Use Tax	415,597	556,717	141,120	34.0	Totals	6,192,076	6,113,804	(78,272)	-1.3	Revenue	Projection (through Dec.)	Actual (through Dec.)	Diff (\$)	Sales Tax	35,542,844	33,505,660	(2,037,183)	State Income Tax	15,080,841	16,023,126	942,285	Home Rule Sales Tax	14,006,600	12,878,023	(1,128,578)	Motor Fuel Tax	5,745,760	5,523,643	(222,118)	Local Use Tax	4,600,000	6,028,815	1,428,814	Totals	74,976,045	73,959,266	(1,016,779)	
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