

Current Governing Agreement (1987) between the City and the Naperville Heritage Society vs. Current Practice

“Society” – Naperville Heritage Society

“Board” – Naper Settlement Museum Board

1987 Agreement (Current governing agreement)	Current Practice
<p>1. <u>TERM OF AGREEMENT.</u> The original agreement between the City and the Society expiring April 30, 1979 is hereby renewed subject to certain modifications, and extensions as contained in this agreement for a term of one year to expire April 30, 1980.</p> <p>The term of this agreement shall renew itself automatically from year to year thereafter except that each of the parties hereto shall have the right to cancel this Agreement at any time upon ninety (90) days written notice of such cancellation being given to the other party.</p>	<ul style="list-style-type: none"> • This is the current practice.
<p>2. <u>THE PLAN.</u> The Society’s program of moving and restoration of old buildings, building authentic reproductions, and moving, restoring, or reproducing structures having historic significance shall continue in accordance with the Brown-Heldt Associates Final Phase Site Plan No. 3 dated April, 1975, as approved as a Planned Unit Development.</p> <p>The Society will formulate the guidelines for aesthetics of all improvements and be the judge of the historic authenticity of the Settlement subject to approval of the Board.</p>	<ul style="list-style-type: none"> • This is the current practice; however, the most recent PUD was updated in 2008 and is followed.
<p>3. <u>ADDITIONS TO SITE.</u> Any additions to the site shall be made only upon recommendation of the Society and approval of the Board.</p>	<ul style="list-style-type: none"> • This is the current practice.

<p>4. <u>CITY APPROVAL.</u> All improvements or newly acquired buildings or structures at the Naper Settlement must adhere to City Code requirements as amended.</p>	<ul style="list-style-type: none"> • This is the current practice.
<p>5. <u>SUBROGATION CLAUSE.</u> The City hereby releases the Society from liability for loss or damage to Settlement property from an insurable peril. The Society accepts that the City shall be named as an additional named insured under the Society's liability policy.</p>	<ul style="list-style-type: none"> • This is the current practice.
<p>6. <u>OWNERSHIP.</u> The city accepts ownership of the buildings or structures when placed on permanent foundations at the Naper Settlement or when they are moved to the Naper Settlement and shall insure all of said property as provided elsewhere in this agreement.</p>	<ul style="list-style-type: none"> • This is the current practice.
<p>7. <u>BUDGET.</u> The Society shall present a budget showing proposed costs for the performance of its assigned functions. The budget shall also show the Society's sources of income to cover those expenses. The Society shall submit its proposed budget to the Board no later than February 1st of each year. The time period the budget should cover is the City's fiscal year (May 1st through April 30th).</p> <p>The City staff shall present a budget showing proposed costs for the performance of its assigned functions. The budget shall also show the City's sources of income to cover those expenses. The City staff shall submit its proposed budget to the Board no later than February 1st of each year. The time period the budget should cover is the City's fiscal year (May 1st through April 30th).</p> <p>The Board will review the above mentioned budget and prepare a budget recommendation for subsequent approval</p>	<ul style="list-style-type: none"> • This is the current practice updated to align with the City's current budget process

by the City Council. Such a recommendation to the City Council shall be provided by March 1 st of each year.	
8. Income and Expenses	
A. Income	
<p>1. * Second Amendment The CITY shall include the sum of \$135,000 in its 1987-88 fiscal year budget and tax levy for the operation, management, maintenance and development of the Naper Settlement. The CITY shall thereafter include an amount equal to the statutory museum tax of .015% applied to the estimated total property assessment of the CITY for operation, management, maintenance and development of the Naper Settlement in each annual budget and tax levy of the CITY during the term of this Agreement. The SOCIETY may request and the City may, in the exercise of its sole discretion, provide additional funds on a case by case basis for capital projects of the SOCIETY for development and improvement of the Naper Settlement.</p>	<ul style="list-style-type: none"> • This is the current practice in that Naper Settlement receives a % from the property assessment tax. The amounts have varied according to the expansion of the city, and the needs and growth of its museum over the past 40 years. • Additional funds for capital projects are brought to the NHS Finance Committee for their recommendation and brought to the full NHS Board for their approval. Thereafter, it is submitted to the NSMB Board as part of the annual budget process for their review and approval. Once approved by NSMB, it is then included in the City's CIP and undergoes the same City process as all CIPs.
<p>2. The Society shall, subject to Naper Settlement and Museum Board approval, establish the fees for any use of the premises or part thereof. The fees collected shall be available to the Society for fulfillment of their obligations stipulated in Paragraph 9.</p>	<ul style="list-style-type: none"> • This is the current practice.
B. Expenses	
<p>1. The City shall establish a "Naper Settlement Fund" for paying bills and expenses incurred for operation,</p>	<ul style="list-style-type: none"> • This is the current practice.

maintenance, and management of Naper Settlement.	
2. In the case of non-payroll expenses, for which City funds are to be used, the City of Naperville check request forms shall be submitted, with supporting invoices attached, by an individual(s) designated by the Naper Settlement and Museum Board, to the City Manager for approval. Payment will be made directly to the vendor involved.	<ul style="list-style-type: none"> • The current practice aligns with the City's procurement and payment processes.
3. In the case of payroll expenses, for which City funds are to be used, the City of Naperville timesheet shall be submitted by the employee and countersigned by an individual(s) designated by the Naper Settlement and Museum Board to the City Manager for approval. The employee(s) will be paid directly by City check.	<ul style="list-style-type: none"> • The current practice aligns with the City's payroll process and uses the City's NOVATIME system.
4. Any excess revenue over expenditures remaining in the "Naper Settlement Fund" at the end of each fiscal year shall remain in the Fund.	<ul style="list-style-type: none"> • This is the current practice.
9. <u>Responsibilities of the Society & City.</u> The responsibilities of the Society and the City with respect to the operation and maintenance and development of the Naper Settlement are as follows:	
A. Responsibilities of the Society – Operations and Maintenance	
1. General management including development and operation of educational programs, workshops, tours, and other appropriate activity.	<ul style="list-style-type: none"> • This is the current practice.

2. Painting and decorating structures	<ul style="list-style-type: none"> The ongoing maintenance of the City assets currently includes both city and NHS funds depending on the project.
3. Grounds maintenance limited to snow shoveling of sidewalks and attending to on-site gardens.	<ul style="list-style-type: none"> The current practice for snow shoveling of sidewalks is that Naper Settlement Staff and outside contractors provide these services and are paid through city funds. The current practice for gardens is that the majority of the work is done by volunteers, including the Weed Ladies and local garden clubs. Supplies needed to maintain gardens are paid with both NHS and City funds.
4. Payment of gas, electric, water, sanitary sewer, and telephone utilities except dedicated phone lines for alarms.	<ul style="list-style-type: none"> The current practice is that these services are paid by the City.
5. Janitorial services to buildings.	<ul style="list-style-type: none"> The current practice is that these services are paid by the City.
6. Building maintenance to all structures.	<ul style="list-style-type: none"> The current practice is that these services are paid by the City, grants and NHS funds depending on the project.
7. Payment of Society office expenses.	<ul style="list-style-type: none"> The current practice is that these services are shared between the City and NHS.
8. *1 st Amendment: Compensation to personnel including all employee related expenses for providing on-site settlement management functions (guide, etc.) except City personnel performing City functions.	
a. All employees shall be considered employees of and paid by the City of Naperville. Benefits to be received hereunder include social security, IMRF and workman's compensation coverage. All other benefits are at the sole discretion of the Naperville Heritage Society who shall establish its personnel policy for said employees.	<ul style="list-style-type: none"> This is the current practice.

b. A committee of the Naper Settlement and Museum Board shall constitute an interview panel and shall make the final recommendation to the City Manager for the hiring of the Director of the Naper Settlement. The Director of the Settlement shall recruit and select employees under his or her control.	<ul style="list-style-type: none"> This is the current practice.
c. All such employees shall be under the supervision and direction of the Naperville Heritage Society and subject to the provisions	<ul style="list-style-type: none"> This is the current practice.
B. Responsibilities of the Society – Site Development	
1. Payment of all costs as required for adding structures to the Settlement.	<ul style="list-style-type: none"> No new buildings have been added to the site in the past 20 years. In that case, over 90% of the Preemption House was paid for by the NHS.
2. Payment of all building reconstruction costs including foundation construction and general building construction and internal heating, plumbing and electrical work.	<ul style="list-style-type: none"> No buildings have been reconstructed since 1983.
3. Construction of decorative fencing.	<ul style="list-style-type: none"> No substantial construction of decorative fencing has occurred in the last 25+ years.
4. Grounds maintenance including lawn mowing, lawn feeding, tree pruning, snow removal on parking lots and driveways, and maintenance of underground utilities, driveways, parking lots and security fencing.	<ul style="list-style-type: none"> The current practice is that these services are paid for by the City.
C. Responsibilities of the City – Operation and Maintenance	
1. Maintenance to burglar alarm, sprinkler system and smoke alarm system.	<ul style="list-style-type: none"> This is the current practice.
2. Utility costs limited to payment for dedicated phone phone lines to serve on-site systems.	<ul style="list-style-type: none"> This is the current practice.

3. Site security- patrol by Naperville Police and Fire protection.	<ul style="list-style-type: none"> This is the current practice.
D. Responsibilities of the City – Site Development	
1. Installation of underground utilities including service lines to structures requiring utility service.	<ul style="list-style-type: none"> The current practice is that these services are shared between the City and NHS.
2. Payment for installation of Settlement burglar and fire alarm system as directed by Board.	
3. Construction of on-site parking lots and driveways.	<ul style="list-style-type: none"> The current practice is that these expenses are shared between the City and NHS. The NHS actively seeks grants and private philanthropy wherever possible to offset these expenditures.
4. Construction of on-site security fencing.	<ul style="list-style-type: none"> The current practice is that these expenses are shared between the City and NHS. The NHS actively seeks grants and private philanthropy wherever possible to offset these expenditures.
5. Payment for professional engineering and landscape architect fees.	<ul style="list-style-type: none"> The current practice is that these expenses are shared between the City and NHS. The NHS actively seeks grants and private philanthropy wherever possible to offset these expenditures.
6. On-site grading and landscape work except in areas being served by volunteer garden groups.	<ul style="list-style-type: none"> The current practice is that these expenses are shared between the City and NHS. The NHS actively seeks grants and private philanthropy wherever possible to offset these expenditures.
7. On-site benches, pedestrian lighting, waste containers, public washrooms, directional signs and site signs.	<ul style="list-style-type: none"> The current practice is that these services are shared between the City and NHS. The NHS actively seeks grants and private philanthropy wherever possible to offset these expenditures.
10. <u>PERSONAL PROPERTY</u> . Personal property acquired by the Society in their name shall remain their property and the insuring of same is their responsibility. All real and personal property acquired by or in the name of the City or in the name of the Naper Settlement is acknowledged to be	<ul style="list-style-type: none"> This is the current practice.

the property of the City and shall be insured by the City. Buildings and/or structures shall be insured on a replacement cost basis.	
11. <u>REPORTING</u> . A report on the activities and building use together with a report of the income and expenditures, support of the Settlement, shall be made available as requested and shall be regularly reported to the Board.	<ul style="list-style-type: none"> • This is the current practice.
12. <u>TOURS</u> . The Society shall establish the days of the week and the hours that the Settlement is open to the public and shall staff the premises when open. The Society shall be the sole arranger of all tours.	<ul style="list-style-type: none"> • This is the current practice.
13. <u>CONTROL OF USE</u> . All use of the Settlement (including weddings) shall be channelled through and be controlled by the Society's office in the Meeting House in accordance with policy proposed by the Society and approved by the Board.	<ul style="list-style-type: none"> • This is the current practice.
14. <u>CAPTIONS</u> . The captions used herein are for convenience of reference only and do not define or limit the contents of each paragraph.	<ul style="list-style-type: none"> • This is the current practice.