



VILLAGE OF OAK PARK
LAW DEPARTMENT

MEMORANDUM

To: Village President Vicki Scaman and Board of Trustees
cc: Kevin J. Jackson, Village Manager
From: Paul L. Stephanides, Village Attorney *Paul L. Stephanides*
Date: February 8, 2023
Re: Boards and Commissions

INTRODUCTION

This memorandum addresses the legal framework by which the Village's boards and commissions exist and operate per the Village Code and state statutes.

DISCUSSION

A. Active Village Boards and Commissions

There currently are twenty-three (23) active boards and commissions in the Village. Most of these boards and commissions exist pursuant to Chapter 2 ("Administration") of the Oak Park Village Code and a few exist pursuant to other chapters of the Village Code and/or state statute. The Village's boards and commissions are as follows:

- (1) Transportation Commission per Article 15 of Chapter 2 of the Village Code;
- (2) Community Design Commission per Article 18 of Chapter 2 of the Village Code;
- (3) Community Relations Commission per Article 19 of Chapter 2 of the Village Code;
- (4) Building Codes Advisory Commission per Article 20 of Chapter 2 of the Village Code;
- (5) Environment and Energy Commission per Article 21 of Chapter 2 of the Village Code;
- (6) Historic Preservation Commission per Article 23 of Chapter 2 of the Village Code;

- (7) Civic Information Systems per Article 26 of Chapter 2 of the Village Code;
- (8) Board of Fire and Police Commissioners per Article 28 of Chapter 2 of the Village Code and state statute, 65 ILCS 5/10-2.1-1;
- (9) Entry Level Appointment Committee per Article 29 of Chapter 2 of the Village Code;
- (10) Citizens Police Oversight Committee per Article 30 of Chapter 2 of the Village Code;
- (11) Housing Programs Advisory Committee per Article 31 of Chapter 2 of the Village Code;
- (12) Foreign Fire Insurance Board per Article 32 of Chapter 2 of the Village Code and state statute, 65 ILCS 5/11-10-2;
- (13) Disability Access Commission per Article 33 of Chapter 2 of the Village Code;
- (14) Community Development Citizens Advisory Committee per Article 34 of Chapter 2 of the Village Code;
- (15) Citizen Involvement Commission per Article 35 of Chapter 2 of the Village Code;
- (16) Aging in Place Commission per Article 36 of Chapter 2 of the Village Code;
- (17) Liquor Control Review Board per Article 2 of Chapter 3 of the Village Code;
- (18) Firefighters Pension Board per Section 9-1-3 of the Village Code and state statute, 40 ILCS 4/4-121;
- (19) Farmers' Market Commission per Article 2 of Chapter 18 of the Village Code;
- (20) Police Pension Board per Section 19-1-3 of the Village Code and state statute, 40 ILCS 5/3-128;
- (21) Board of Health per Article 2 of Chapter 20 of the Village Code;
- (22) Plan Commission per Section 12.2 of the Village Zoning Ordinance and state statute, 65 ILCS 5/11-2-4; and

- (23) Zoning Board of Appeals per Section 12.3 of the Village Zoning Ordinance and state statute, 65 ILCS 5/11-13-3.

Of the 23 boards and commissions listed above, three (3) operate independently from the Village and have the authority to spend Village funds that are appropriated to them. Those are: (1) Foreign Fire Insurance Board; (2) Firefighters Pension Board; and (3) Police Pension Board. Other than these three (3) boards, the Village's boards and commissions and their individual members do not have authority to spend Village funds or direct staff unless otherwise specifically provided. The majority of the boards and commissions listed above are advisory in nature to the Village Board unless a state statute or the Village Code gives them final decision making authority on a particular matter.

B. Appointments to Boards and Commissions

The Illinois Constitution requires that home rule municipalities such as the Village shall make appointments to board and commissions as "authorized by law." Ill. Const. 1970, art. VII, § 6(f) ("Section 6(f)"). Section 6(f) specifically provides as follows:

A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

State statute gives the Village President the authority to appoint board or commission members and chairs of boards and commissions consistent with the Illinois Constitution. This statute provides as follows:

Sec. 3.1-30-5. Appointed officers in all municipalities.

(a) The mayor or president, as the case may be, by and with the advice and consent of the city council or the board of trustees, may appoint (1) a treasurer (if the treasurer is not an elected position in the municipality), (2) a collector, (3) a comptroller, (4) a marshal, (5) an attorney or a corporation counsel, (6) one or more purchasing agents and deputies, (7) the number of auxiliary police officers determined necessary by the corporate authorities, (8) police matrons, (9) a commissioner of public works, (10) a budget director or a budget officer, and (11) other officers necessary to carry into effect the powers conferred upon municipalities.

65 ILCS 5/3.1-30-5 (emphasis added). The Village President's authority to appoint board and commission members cannot be altered or delegated unless provided by state statute. *Pechous v. Slawko*, 64 Ill.2d 576, 591-592 (1976); *People v. McCann*, 247 Ill. 130, 143 (1910). An example of such a delegation is where a village president does not serve as the local liquor control commissioner due to the village president's holding of a liquor license, which is the case in Oak Park. 235 ILCS 5/4-2. In such an instance, the applicable state statute provides for the board to appoint another person to serve in the role. *Id.* The Village maintains a Liquor Control Review Board ("LCRB") and the person who serves as the Local Liquor Control Commissioner appoints members to the LCRB with the advice and consent of the Board of Trustees. *Id.*; Oak Park Village Code at Sec. 3-2-2.

The manner by which appointments of members to individual boards and commissions is discussed below. Unless a state statute provides otherwise, the Village President or must appoint the members of the Village's boards and commissions by law. The appointment of the chairs and members of the boards and commissions that exist exclusively pursuant to the Village Code set forth above are subject to the advice and consent of the Village Board.

The Village President also appoints the members of the Oak Park Housing Authority with the "approval" of the Village Board by state statute. 310 ILCS 10/3. This appointment authority exists although the Housing Authority is an independent municipal corporation that operates separately from the Village pursuant to the Housing Authorities Act, 310 ILCS 10/1 et seq., with its own funding.

C. Roles of Village Boards and Commissions

The individual roles and operations of each of the Village's active boards and commissions are discussed below in the order they appear above.

1. Transportation Commission

The Transportation Commission consists of seven (7) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 2-15-1, and advises the Village Board pursuant to Section 2-15-2 of the Village Code as follows:

2-15-2: DUTIES:

It shall be the duty of the Transportation Commission to submit recommendations to the Village Board for official action. Such recommendations shall be aimed at improving parking and traffic conditions, the administration, and enforcement of traffic regulations, and educational activities in the field of traffic safety. The Commission shall also conduct hearings for cul-de-sacs and other types of street closings in accordance with

established guidelines and shall also submit recommendations to the Village Board with regard to same. The Village Manager shall provide for such staff assistance as the Commission may need to carry out these functions. The Commission shall follow the policies established by the President and Board of Trustees in carrying out the above prescribed duties and responsibilities.

2. Community Design Commission

The Community Design Commission consists of eleven (11) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 2-18-1, and serves the following functions pursuant to Section 2-18-2 of the Village Code:

2-18-2: OBJECTIVES:

The commission shall function with the objective of developing a continuous program to enhance the aesthetic quality of life in the Village with a view to maintaining and strengthening the Village as a flourishing community of growth, quality and beauty. Its functions shall include, but not necessarily be limited to:

A. Actively promoting ever increasing pride of ownership and higher level maintenance of Oak Park dwellings, apartment buildings, commercial buildings and other structures; including, but not limited to, promoting, organizing, and conducting house, garden and/or forestry educational programs, exhibits or shows, and/or awards programs for buildings or areas of exceptional or superior maintenance; and maintaining an annual pictorial record book of Community Design Commission activities, related to beautification.

B. Holding public hearings and rendering decisions in connection with applications for sign variances which may be appealed to the President and Board of Trustees regarding said applications pursuant to section 7-7-5 of this Code.

* * * *

C. Researching and recommending to the Board of Trustees public improvements in streets or alleys, cul-de-sacs, public yard and building improvements, and possible sites for additional recreational facilities, walks and/or malls; and in connection therewith, researching and recommending decorative paving, signs, lighting, flowers, plants, shrubbery, trees and landscaping and/or seasonal plantings therefor.

D. Studying and recommending action to alleviate and/or eliminate eyesores

and/or litter on both public and private property; and/or conducting active antilitter campaigns.

E. Stimulating civic organizations' care of small plots of relatively visible public lands as so called "minigardens", and maintaining and coordinating an active program of such minigardens.

F. Researching and recommending revisions and additions to ordinances which relate to aesthetic values with particular attention to signs.

G. Acting as a resource in aesthetics and design to other government agencies and civic organizations, maintaining liaisons with these organizations when appropriate to achieve a uniform approach to Village beautification.

H. Consulting with the forester on matters pertaining to forestry, including the following:

1. Amendments to this Code dealing with forestry, and alterations or revisions to the Arboricultural Specifications Manual.

2. Policy concerning selection, planting, maintenance and removal of trees and shrubs within the Village.

3. Establishment of educational and informational programs whereby the public may be notified of any matters pertaining to forestry and to the Arboricultural Specifications Manual.

The Community Design Commission also hears appeals of Zoning Administrator decisions on design review applications pursuant to Section 12.5(A) of the Village Zoning Ordinance.

3. Community Relations Commission

The Community Relations Commission consists of nine (9) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 2-19-1, and has the following functions pursuant to Section 2-19-2 of the Village Code:

2-19-2: DUTIES AND FUNCTIONS:

The Community Relations Commission shall, in addition to performing the duties delineated in chapter 13 of this code, work with the Community Relations Department to secure the furnishing of equal services to all residents; and to develop improved intergroup relations; to encourage and foster fair and equal

treatment under the law to all; and to maintain equality of opportunity for employment and advancement in the Village government.

4. Building Codes Advisory Commission

The Building Codes Advisory Commission consists of nine (9) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 2-20-2, and serves the following functions pursuant to Section 2-20-4 of the Village Code:

2-20-4: DUTIES:

The Commission shall have the following duties:

A. Review each new edition of the model codes and recommend local amendments to the Director of Code Administration. The Director will formulate final code amendment recommendations for presentation to, and adoption by the President and Board of Trustees, based upon Commission recommendations, staff and community input and other information available to the Director.

B. Review and recommend to the Director of Code Administration the approval or denial of the use of alternate materials or methods of construction to those prescribed by the codes. Prior to recommending approval of any alternative method or material, the Commission must first find that, for the purpose intended, the method or material complies with the intent of the code and is at least the equivalent of that prescribed by the code in quality, strength, effectiveness, fire resistance, durability and safety.

C. Advise the Director of Code Administration, at the Village Manager's or Director's request, with regard to requests for modifications of specific code requirements. Prior to recommending a modification, the Commission must first find that a special reason exists which makes compliance with the strict letter of the code impractical in a given case, that the modification is in conformity with the intent and purpose of the code, and that such modification does not reduce the level of fire protection or structural integrity of any structure to which it is applied.

D. Provide code interpretations to the Department of Code Administration, upon request, which address the intent and applicability of code provisions and acceptable alternative materials or methods of construction.

5. Environment and Energy Commission

The Environment and Energy Commission consists of nine (9) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 2-21-1, and advises the Village Board as follows pursuant to Section 2-21-2 of the Village Code:

2-21-2: DUTIES:

The Commission shall advise the Board of Trustees with regard to the following: the best methods of maintaining an environment beneficial to the Village and as free from pollution as is practical and is reasonable; methods to promote energy conservation, environmental sustainability, recycling, waste reduction, water conservation and reduction of air emissions in the Village and for Village residents.

6. Historic Preservation Commission

The Historic Preservation Commission consists of eleven (11) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Section 2-23-1, and serves the following functions pursuant to Section 2-23-2 of the Village Code:

2-23-2: DUTIES:

The Commission shall have the following duties:

- A. To conduct an ongoing survey and inventory for the purpose of identifying those historic landmarks within the Village that exemplify the architectural, social, cultural, economic and political history of the Village, state or nation;
- B. To receive or make nominations for designation of historic landmarks; to review and recommend designation criteria to the Village Board; to hold hearings; and to recommend to the Board of Trustees such designations;
- C. To recommend to the Village Board the adoption of specific guidelines, based upon the secretary of the interior's standards, to be used in the application of the Village's historic preservation ordinance to the alteration, construction, relocation, removal or demolition of historic landmarks or of properties and/or improvements within historic districts;
- D. To review permit applications for alteration, construction, relocation, removal or demolition affecting historic landmarks, and properties and/or improvements in historic districts and to request the presentation of such

drawings (floor plans, elevations and details), specifications and other information as may be necessary to review those applications;

E. To approve, modify or deny applications for certificates of appropriateness and certificates of economic hardship for historic landmarks, in accordance with chapter 7, article 9 of this code, and to respond to appeals of such decisions to the Village Board;

F. To review proposed zoning amendments, applications for special use permits including planned use developments, subdivisions and applications for zoning variances that affect nominated, proposed or designated historic landmarks and historic districts, and may present evidence at public hearings in support or opposition or make recommendations thereon to the Zoning Board of Appeals, Plan Commission, Community Design Commission and Board of Trustees;

G. To recommend to the Board of Trustees the adoption of an appropriate system of historically and architecturally compatible streetscape elements, including, but not limited to, paving materials, curbs, sidewalks, streetlights, street and historic district signage, and to make recommendations for the design and implementation of such streetscape elements;

H. To advise the Village Board, Village Manager, any commission, or other agency on matters affecting nominated, proposed or designated historic landmarks or historic districts;

I. To provide general guidance to interested parties on technical and financial aspects of historic preservation and to indicate to such parties that they may only rely upon independent professional advice and consultation as a basis for final decisions with regard to these matters;

J. To advise and assist interested parties on procedures for inclusion in the national and state registers of historic places;

K. To nominate properties and/or structures, improvements or areas to the Illinois and national registers of historic places;

L. To maintain a library of preservation related documents and to keep such materials available for public use;

M. To inform and educate the citizens of Oak Park concerning the historic and architectural heritage of the Village by publishing, with Village Board

authorization and Village staff assistance, appropriate maps, newsletters, brochures, books and pamphlets, and by holding programs and seminars;

N. To call upon assigned Village staff members as well as other expert volunteers for technical advice and assistance;

O. To request the Village Board to retain such specialists or consultants and to request the Village Board to appoint such citizen advisory committees as may be required from time to time;

P. To investigate, review and recommend to the Village Board the acceptance of any gifts of property, transferred to the Village by an entity for the purpose of preserving or enhancing the historically significant aspects of properties, improvements or areas;

Q. To conduct annual inspections on behalf of the Village and to prepare condition reports to the Village Manager and Village Board on all properties, easements or development rights transferred to the Village for the purpose of preservation;

R. To recommend and assist in the application for funds on behalf of the Village from federal, state and private sources with the Village Manager's prior approval, to further the goals of historic preservation herein set forth;

S. To confer recognition, from time to time, as appropriate, upon owners of historic landmarks or property or structures within historic districts by means of award certificates, plaques or markers;

T. To assume whatever responsibilities and duties may be delegated to it by the Village Board with regard to the certified local government provisions of the national historic preservation act of 1966, as amended;

U. To perform, in a timely and thorough manner, all of the duties delegated to the Commission under the historic preservation ordinance set forth in chapter 7, article 9 of this code.

V. To recommend to the Board adoption of the Commission's rules and procedures, or amendments thereto.

7. Civic Information Systems

The Civic Information Systems Commission consists of seven (7) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 2-26-1, and advises the Village Board as follows pursuant to Section 2-26-2 of the Village Code:

2-26-2: DUTIES:

The Civic Information Systems Commission shall have the following duties and responsibilities:

A. The Civic Information Systems Commission, in order to enhance civic engagement, communication, transparency, efficiency and sustainability between the Village government and the community it serves, shall advise the Board of Trustees with regard to the development, oversight and annual review of important information resources and services through a master plan for municipal and civic information management and policy. The master plan shall be developed by the Commission and submitted to the Village Board for review and approval. The Commission shall review and update the plan on an ongoing basis.

B. The Civic Information Systems Commission shall have the following duties with regard to cable and telecommunications providers who use or are seeking to use the Village right of way.

1. The Civic Information Systems Commission shall act in an advisory capacity to the Village Board on cable and telecommunications issues.

2. The Commission shall also act as liaison between the citizens and any cable or telecommunications operator authorized by franchise to do business in the Village.

3. The Commission shall act on behalf of the Village in the monitoring of franchisee performance relating to system performance and compliance with the provisions of the franchise.

4. The Commission shall encourage the development of programming for public, educational and government (PEG) access channels as may be available from a cable or telecommunications operator.

8. Board of Fire and Police Commissioners

The Board of Fire and Police Commissioners consists of three (3) members who are appointed by the Village President with the advice and consent of the Village Board. 65 ILCS 5/10-2.1-2. This Board hears and decides discipline cases against sworn members of the Police and Fire Departments unless an applicable collective bargaining agreement provides otherwise. Oak Park Village Code at Sec. 2-28-1; 65 ILCS 5/10-2.1-17. Currently, this authority is restricted to discipline cases regarding firefighters/paramedics pursuant to the Village's current collective

bargaining agreements. If the Board of Fire and Police Commissioners determines to impose discipline in such a case, it may be appealed to arbitration.

9. Entry Level Appointment Committee

The Entry Level Appointment Committee which shall consist of five (5) members, including the three (3) members of the Board of Fire and Police Commissioners; the Fire Chief or Chief of Police, depending upon whether fire or police entry level positions are being considered; and the Director of Human Resources or such other administrative or human resources employee as the Village Manager may designate. Oak Park Village Code at Sec. 2-29-1. The Entry Level Appointment Committee has the following duties pursuant to Section 2-29-2 of the Village Code:

2-29-2: DUTIES:

The Entry Level Appointment Committee shall appoint all entry level members of the Fire and Police Departments. The Committee shall establish an entry level eligibility list for the Police and Fire Departments. Each list shall require certification by the Board of Fire and Police Commissioners that each list has been established in accordance with the ordinances, rules and policies of the Village prior to posting by the Committee.

The establishment of an entry level eligibility list shall include, but not be limited to, a written examination, a psychological examination, a background check and an oral interview process and shall conform with all other provisions set forth hereinbelow.

The Entry Level Appointment Committee shall authorize the Board of Fire and Police Commissioners to issue and the Board shall issue, at the direction of the Committee, certificates of appointment for all appointments made to entry level positions in the Fire and Police Departments. The certificate of appointment shall be signed by the chairperson and secretary, respectively, of the Board of Fire and Police Commissioners.

10. Citizens Police Oversight Committee

The Citizens Police Oversight Committee consists of seven (7) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 2-30-1, and advises the Village Board and staff as follows pursuant to Section 2-30-2 of the Village Code:

2-30-2: DUTIES:

The Citizens Police Oversight Committee shall be an advisory committee to the President and Board of Trustees and is hereby authorized as follows:

A. To receive and to then refer complaints from citizens in accordance with the procedures to be promulgated pursuant to section 2-30-3 of this article, and thereafter to monitor and evaluate the processing of all citizen complaints in regard to police misconduct, including, but not limited to, allegations of discriminatory conduct and/or treatment and the use of excessive force.

B. To monitor and evaluate Village efforts in the Police Department in regard to racial and cultural diversity in such areas as training, recruitment, promotions and interpersonal relations.

C. To meet with and provide written reports to the Village Board or such standing or ad hoc committee of the Village Board as the Village Board may designate, on a semiannual basis, concerning the Committee's activities and any information and analysis of such information which the Committee may have compiled as a result of its activities during the preceding six (6) months. In addition to the required semiannual meetings and reports, the Committee may report to the Village Board on special items of concern within its purview at any time or with any degree of frequency which the Committee deems appropriate or necessary.

11. Housing Programs Advisory Committee

The Housing Programs Advisory Committee consists of seven (7) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Section 2-31-1, and advises the Village Board and staff as follows pursuant to Section 2-31-2 of the Village Code as follows:

2-31-2: DUTIES:

The Committee shall advise the President and Board of Trustees on programs and methods to accomplish the following goals within the Village: a) enhance the quality of residential properties; b) attract an economically and racially diverse population; c) develop and maintain affordable housing options; and d) increase the value of residential properties.

To accomplish these goals, the Committee and Village staff shall work together to target housing needs within the Village, evaluate present programs in addressing these needs and propose the creation of new programs and the enhancement of existing programs to meet these needs. The Committee shall also evaluate loan packages prepared by staff as a part of any established Village housing rehabilitation loan program and shall advise the President and Board of Trustees with regard to same. The Village

Planning and Zoning staff shall keep the Committee informed on planning and zoning issues which may impact upon the housing goals set forth hereinabove and the Committee shall advise the President and Board of Trustees with regard to same.

12. Foreign Fire Insurance Board

The Foreign Fire Insurance Fund Board consists of seven (7) members, six of which are elected from the sworn membership of the Fire Department (firefighters/paramedics and all other ranks above firefighters/paramedics). 65 ILCS 5/11-10-2; Oak Park Village Code at Section 2-32-1. The Fire Chief is automatically a member of this Board. *Id.* The Foreign Fire Insurance Board has the following "mission" as stated in the Village Code:

2-32-1: CREATION AND MISSION OF THE FOREIGN FIRE INSURANCE BOARD:

There is hereby established a board known as the Foreign Fire Insurance Board ("board"). This board shall be comprised of officers elected as set forth below, and shall exercise only the powers as designated herein consistent with 65 Illinois Compiled Statutes 5/11-10-1 et seq., of the Illinois Municipal Code. It shall be the mission of the board to receive and account for revenue from the tax on fire insurance policies sold by foreign (out of State) insurance companies for the maintenance, use and benefit of the Fire Department as set forth in 65 Illinois Compiled Statutes 5/11-10-1 and 5/11-10-2.

The Foreign Fire Insurance Board receives the sum of "2% of the gross receipts" from fire insurance policies sold by an out-of-state insurance company for property situated within the Village. 65 ILCS 5/11-10-1. State statute provides as follows:

The trustees of the department foreign fire insurance board shall make all needful rules and regulations with respect to the department foreign fire insurance board and the management of the money to be appropriated to the board. The officers of the department foreign fire insurance board shall develop and maintain a listing of those items that the board feels are appropriate expenditures under this Act ... The treasurer of the department foreign fire insurance board shall receive the appropriated money and shall pay out the money upon the order of the department foreign fire insurance board for the maintenance, use, and benefit of the department.

65 ILCS 5/11-10-1 (emphasis added). Thus, under the statute above and the Village Code, funds received by the Foreign Fire Insurance Board may only be expended for Fire Department uses.

13. Disability Access Commission

The Disability Access Commission consists of seven (7) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 2-33-1, and advises the Village Board and staff pursuant to Section 2-33-2 through 2-33-4 of the Village Code as follows:

2-33-2: OBJECTIVES:

The purpose of the Disability Access Commission is to advise the Village in its efforts to facilitate full participation in community activities by its disabled residents, to bring disabled persons into the mainstream of Oak Park life by recognizing that disabled persons can lead proud and productive lives, to promote universal access throughout the Village, and to heighten public awareness.

2-33-3: DUTIES:

A. Recommend to the Village Board the removal of barriers to the participation of disabled in Village programs and activities.

B. Recommend to the Village Board the removal of physical barriers to disabled access to Village owned property and buildings and provide advisory assistance to the Department of Code Enforcement in the removal of such barriers.

C. Cooperate with and provide support to other Village commissions, committees, task forces, and departments in their efforts to facilitate and promote universal access.

D. Provide advice to any entity within the Village which seeks assistance from the Commission on how to better serve the needs of the disabled beyond minimal requirements of the law.

E. Identify appropriate respite care agencies in Oak Park and, with prior Village approval, make this information available to the public.

F. Develop and present to the Village a plan to increase awareness in both the public and private sector, regarding the rights and abilities of disabled persons.

G. Work with the Manager's office to establish seminars and workshops that promote public awareness of accessibility issues.

H. Establish and carry out a program to recognize excellence in providing access to disabled persons within the Village which will make the public aware of businesses and institutions which are accessible.

I. Create a guidebook to accessible facilities, programs and activities in Oak Park, which guidebook may be made available to the public with the approval of the Village Board.

J. Work with Public Works Department to develop and maintain a safe route map showing the location of all accessible public paths of travel in Oak Park, which map may be made available to the public with the approval of the Village Board.

K. Advise appropriate Village staff on accessibility requirements, as requested.

L. Evaluate the accessibility of buildings and services within the Village and encourage appropriate Village Code Department staff to initiate staff communication with building owners and/or managers regarding the insufficiency of accessibility in their buildings.

M. Promote additional participation on the Commission by disabled persons and disability service providers in Oak Park.

2-33-4: POWERS:

A. The Commission shall serve as an advisory body to the Village Board of Trustees on matters of accessibility for the disabled and shall hold such public hearings on the issues of accessibility as the Board, from time to time, shall assign to the Commission.

B. The Commission shall advise Village staff, as requested, on issues involving the interpretation of the Federal, State and/or Municipal codes on accessibility with respect to building accessibility issues.

C. The Commission shall assist Village staff, as requested, in mediation of disputes originating from interpretation of this Code with respect to building accessibility issues.

D. The Commission shall conduct, with Village approval, public awareness, public education and public service programs with regard to accessibility for the disabled.

14. Community Development Citizens Advisory Committee

The Community Development Citizens Advisory Committee consists of nine (9) members appointed by the Village President with the advice and consent of the Village Board. Oak Park Village Code at Sec. 2-34-1. Additionally, liaisons from the Village Board and from the Citizen Involvement Commission both serve as ex officio members. Oak Park Village Code at Sec. 2-34-1. The Commission serves in an advisory capacity to the Village Board and staff pursuant to Sections 2-34-2 and 2-34-4 of the Village Code which provide as follows:

2-34-2: OBJECTIVES:

The purpose of the CDCAC is to make recommendations to the Village Board on the use of community development funds and/or issues.

2-34-3: DUTIES:

A. Review applications for the Community Development Block Grant Program and the Emergency Shelter Grants Program and advise the Village Board of their recommendations.

B. Review the Consolidated Plan and its annual update, the Action Plan, for submittal to the U.S. Department of Housing and Urban Development.

C. Cooperate with and provide support to other Village commissions, committees, task forces and departments when community development issues impact their responsibilities.

D. Work with the Community Services Department to inform the public of how community development dollars are spent.

2-34-4: POWERS:

A. The Committee shall serve as an advisory body to the Village Board of Trustees on matters pertaining to community development. This shall be construed to mean matters including, but not limited to, economic development, housing, public services and public improvements as defined under the Community Development Block Grant Program and/or the Emergency Shelter Grants Program.

B. The Committee shall advise Village staff, as requested, on community development issues.

C. The Committee shall meet as often as deemed necessary by the Committee chair to review application proposals and advise the Village Board on the Community Development Block Grant Program and/or Emergency Shelter Grants Program.

15. Citizen Involvement Commission

The Citizen Involvement Commission consists of nine (9) members appointed by the Village President, Oak Park Village Code at Section 2-35-2, and is "to foster citizen participation in the various boards, commissions and committees of the Village" as follows:

2-35-1: ESTABLISHMENT; DUTIES; STAFFING:

A. There is hereby established in and for the Village of Oak Park a Citizen Involvement Commission in order to foster citizen participation in the various boards, commissions and committees of the Village, and also to encourage volunteer participation in Village government and its activities. The duties of the Commission shall include the following: to be responsible for the recruitment of volunteers for the boards, commissions and committees of the Village, including holding prospects' meetings for said boards, commissions and committees in conjunction with the office of the Village Clerk; to act as liaisons to and provide support for said various boards, commissions and committees; and to provide education about and recognition for the activities of the Citizen Involvement Commission and said various boards, commissions and committees, including the sponsorship of the annual Volunteer Recognition Reception.

B. The Citizen Involvement Commission shall work closely with the office of the Village Clerk. The Village Clerk shall maintain all records and documentation pertaining to volunteer participation in Village government and its activities, including all records of the Citizen Involvement Commission, and shall maintain all records of the Commission's business, including all regular and special meetings.

Oak Park Village Code at Sec. 2-35-1.

16. Aging in Place Commission

The Aging Place Commission consists of seven (7) members appointed by the Village President, Oak Park Village Code at Sec. 2-36-1, and advises the Village Board and staff pursuant to Section 2-36-2 of the Village Code as follows:

2-36-2: DUTIES:

A. The commission shall have the following duties:

1. Advise the Village Board in its efforts to facilitate full participation in community activities by its senior residents and to bring persons over the age of fifty five (55) into the mainstream of Oak Park life by recognizing policies which support aging in place as highly desirable.
2. Recommend to the Village Board policies to promote aging in place.
3. Cooperate with and provide support to other Village commissions, committees, task forces, and departments in their efforts to facilitate and promote aging in place.
4. Provide advice to any entity with the Village which seeks assistance from the commission on how to better serve the needs of seniors.
5. Work with the Village Manager or the Manager's designee to establish seminars and workshops that promote public awareness of aging in place.
6. Establish and carry out a program to recognize excellence in providing access to seniors within the Village which will make the public aware of businesses and institutions which are part of a senior friendly community.

17. Liquor Control Review Board

The Liquor Control Review Board consists of five (5) members appointed by the Local Liquor Control Commissioner with the advice and consent of the Village Board. Oak Park Village Code at Sec. 3-2-2. The Local Liquor Control Review Board serves in an advisory capacity to the Local Liquor Control Commissioner and the Village Board as follows:

The Local Liquor Control Commissioner, with the consent of the Village Board of Trustees, shall appoint a Liquor Control Review Board of five (5) Oak Park residents to investigate and review all applications, renewals and complaints; to investigate the operation of all licensed establishments, conduct hearings, receive evidence and sworn testimony and make recommendations to the Commissioner. Members of the Liquor Control Review Board shall serve, without compensation, for a term of three (3) years. The Local Liquor Control Commissioner shall appoint a chairperson, with the consent of the Board of Trustees, from among the members of the Liquor Control Review Board to serve as chairperson for a term of one year. The Local Liquor Control Commissioner shall also serve as a nonvoting ex officio member of the Liquor Control Review Board.

Oak Park Village Code at Sec. 3-2-2 (emphasis added). In addition, Section 3-7-3 through of the Village Code provides as follows:

3-7-3: FUNCTIONS AND DUTIES OF THE LIQUOR CONTROL REVIEW BOARD:

A. The Liquor Control Review Board shall assist the Local Liquor Control Commissioner in investigating applications for the initial issuance and renewals of local liquor licenses, as provided by regulations issued by the Commissioner. The Liquor Control Review Board shall perform the duties imposed by this chapter and such other duties as the Commissioner may provide by regulation.

B. The Commissioner may, by regulations adopted by the Commissioner, appoint one or more members of the Liquor Control Review Board, or any other resident or residents of the Village, to act as deputy Local Liquor Control Commissioners to assist in the performance of the Commissioner's duties. Such deputy Commissioner may be compensated as provided for by an ordinance or resolution adopted by the President and Board of Trustees.

18. Firefighters Pension Board

The Firefighters Pension Board is an independent body from the Village. 40 ILCS 5/4-121. As set forth above, the Village President appoints two (2) of its five (5) members without the advice and consent of the Village Board. *Id.* Two (2) of the remaining members are elected by the sworn members of the Fire Department (firefighters/paramedics and all other ranks above firefighters/paramedics) and one retiree who participates in the Fund that is elected by the retirees who participate. *Id.*

The Firefighters Pension Board has the following powers and duties pursuant to state statute:

(40 ILCS 5/4-123)

Sec. 4-123. To control and manage the Pension Fund. In accordance with the applicable provisions of Articles 1 and 1A and this Article, to control and manage, exclusively, the following:

- (1) the pension fund,
- (2) investment expenditures and income, including interest dividends, capital gains, and other distributions on the investments, and
- (3) all money donated, paid, assessed, or provided by law for the pensioning of disabled and retired firefighters, their surviving spouses, minor children, and dependent parents.

All money received or collected shall be credited by the treasurer of the municipality to the account of the pension fund and held by the treasurer of the municipality subject to the order and control of the board. The treasurer of the municipality shall maintain a record of all money received, transferred, and held for the account of the board.

(40 ILCS 5/4-123.1)

Sec. 4-123.1. To subpoena witnesses. To compel witnesses to attend and testify before it upon all matters connected with the administration of this Article, in the manner provided by law for the taking of testimony before the circuit court. The president, or any member of the Board, may administer oaths to such witnesses.

(40 ILCS 5/4-124)

Sec. 4-124. To enforce contributions. To assess each firefighter the contributions required under Section 4-118.1. The contributions deducted from salaries, together with all interest accruing thereon, shall be placed by the treasurer of the municipality as ex officio treasurer of the board, to the credit of the pension fund, subject to the order of the board.

(40 ILCS 5/4-125)

Sec. 4-125. To hear and determine applications and to order payments. To hear and decide all applications for pensions and other benefits under this Article and to order and direct the payment of pensions and other benefits. The first payment for any pension benefits shall be made not later than one month after benefits are granted. Each such subsequent payment shall be made not later than one month after the date of the latest payment. Such benefits shall not be prepaid.

(40 ILCS 5/4-126)

Sec. 4-126. To make rules.

To make all rules and regulations necessary for the discharge of its duties.

(40 ILCS 5/4-127)

Sec. 4-127. To pay expenses.

To provide for the payment from the fund of all necessary expenses of the Board.

(40 ILCS 5/4-128)

Sec. 4-128. To invest funds. Beginning January 1, 1998, the board shall invest funds in accordance with Sections 1-113.1 through 1-113.10 of this Code.

(40 ILCS 5/4-129)

Sec. 4-129. To keep records.

To keep a record of all its meetings and proceedings.

(40 ILCS 5/4-129.1)

Sec. 4-129.1. To accept donations. To accept by gift, grant, transfer or bequest, any money, real estate or personal property. Such money and the proceeds from the sale of or income from such real estate or personal property shall be paid into the pension fund.

19. Farmers' Market Commission

The Farmers' Market Commission consists of eleven (11) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Sec. 18-2-11, and advises the Village Board pursuant to Section 18-2-11(D) of the Village Code as follows:

Powers And Duties: It shall be the duty of the Farmers' Market Commission to review the activities of the market and make recommendations to the Village Board for any changes in operating policies or regulations necessary to improve the operations of the market. Further, the commission will review permit suspensions or revocations for which the aggrieved permittee has submitted a timely request for review. The Market Commission shall also, at its discretion, recruit owners and producers and publicize the market.

20. Police Pension Board

The Police Pension Board is an independent body from the Village. 40 ILCS 5/3-128. The Village President appoints two (2) of its five (5) members without the advice and consent of the Village Board. *Id.* Two (2) of the remaining members are elected by the sworn members of the Police Department (patrol officers and all other ranks above patrol officer) and one retiree who participates in the Fund that is elected by the retirees who participate. *Id.*

The Police Pension Board has the following powers and duties pursuant to state statute:

(40 ILCS 5/3-132)

Sec. 3-132. To control and manage the Pension Fund. In accordance with the applicable provisions of Articles 1 and 1A and this Article, to control and manage, exclusively, the following:

- (1) the pension fund,
- (2) investment expenditures and income, including interest dividends, capital gains and other distributions on the investments, and
- (3) all money donated, paid, assessed, or provided by law for the pensioning of disabled and retired police officers, their surviving spouses, minor children, and dependent parents.

All money received or collected shall be credited by the treasurer of the municipality to the account of the pension fund and held by the treasurer of the municipality subject to the order and control of the board. The treasurer of the municipality shall maintain a record of all money received, transferred, and held for the account of the board.

(40 ILCS 5/3-133)

Sec. 3-133. To order payments and issue certificates. To order the payment of pensions and other benefits and to issue certificates signed by its president and secretary to the beneficiaries stating the amount and purpose of the payment.

(40 ILCS 5/3-134)

Sec. 3-134. To submit annual list of fund payments. To submit annually to the city council or board of trustees at the close of the municipality's fiscal year, a list of persons entitled to payments from the fund, stating the amount of payments, and their purpose, as ordered by the board. It shall also include items of income accrued to the fund during the fiscal year. The list shall be signed by the secretary and president of the board, and attested under oath. A resolution or order for the payment of money shall not be valid unless approved by a majority of the board members, and signed by the president and secretary of the board.

(40 ILCS 5/3-135)

Sec. 3-135. To invest funds. Beginning January 1, 1998, the board shall invest funds in accordance with Sections 1-113.1 through 1-113.10 of this Code.

(40 ILCS 5/3-136)

Sec. 3-136. To subpoena witnesses. To compel witnesses to attend and testify before it upon all matters connected with the administration of this Article, in the manner provided by law for the taking of testimony in the circuit courts of this State. The president, or any board member, may administer oaths to witnesses.

(40 ILCS 5/3-137)

Sec. 3-137. To appoint clerk.

To appoint a clerk and define his duties. No person drawing a pension under this Article shall be employed by the Board.

(40 ILCS 5/3-138)

Sec. 3-138. To pay expenses.

To provide for the payment from the fund of all necessary expenses, including clerk hire, printing and witness fees.

(40 ILCS 5/3-139)

Sec. 3-139. To keep records.

To keep a public record of all its proceedings.

(40 ILCS 5/3-140)

Sec. 3-140. To make rules. To make necessary rules and regulations in conformity with the provisions of this Article, and to publish and transmit copies from time to time to all pensioners and contributors.

(40 ILCS 5/3-140.1)

Sec. 3-140.1. To accept donations. To accept by gift, grant, transfer, or bequest, any money, real estate, or personal property. Such money and the proceeds from the sale of or the income from such real estate or personal property shall be paid into the pension fund.

21. Board of Health

The Board of Health consists of seven (7) members appointed by the Village President with the advice and consent of the Village Board, Oak Park Village Code at Section 20-2-1, and advises the Village Board and staff pursuant to Section 20-2-3 of the Village Code as follows:

20-2-3: BOARD OF HEALTH AUTHORITY:

The Board of Health is an advisory body to the Director of the Department of Public Health and the Board of Trustees, and as such has authority to make recommendations as to such rules, regulations and orders as it may deem necessary for the preservation and improvement of public health and for the prevention and/or suppression of disease.

22. Zoning Board of Appeals

The Zoning Board of Appeals ("ZBA") consists of seven (7) members appointed by the Village President with the consent of the Village Board. Village of Oak Park Zoning Ordinance at Sec. 12.3(B). The ZBA hears variance applications from the requirements of the Zoning Ordinance, zoning appeals, and special use permit applications. Village of Oak Park Zoning Ordinance at Sections 12.3(A)(1)-(3), 14.2(D)(1) & 14.3(C)(1). It makes recommendations to the Village Board on special use permit applications with the Village Board making the final decision. Village of Oak Park Zoning Ordinance at Sec. 14.2(D)(1)(b)-(c). Its decisions on variance applications and zoning appeals are final and are subject to judicial review. Village of Oak Park Zoning Ordinance at Sections 12.3(D) & 14.2(D)(1)-(5). It also may "hear and report to the Village Board on such other matters as may be referred to it by the Village Board." Village of Oak Park Zoning Ordinance at Sections 12.3(A)(4).

23. Plan Commission

The Plan Commission consists of nine (9) members appointed by the Village President with the consent of the Village Board. Village of Oak Park Zoning Ordinance at Sec. 12.2(B)(1). The Plan Commission advises the Village Board with regard to the following matters:

1. To make recommendations to the Village Board on zoning amendment applications;
2. To make recommendations to the Village Board on special use (planned development applications); and
3. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.

CONCLUSION

This memorandum is intended to provide a summary by which the Village's boards and commissions exist and operate. If there are any specific questions, please do not hesitate to contact me.

