

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

DISTRICT # _____

_____ Resolution or Ordinance (Blue)

Waiver of First Requested _____

_____ Recommendations of Boards, Commissions & Committees (Green)

 X Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *dah*

DATE : August 8, 2012

B of T August 23, 2012

SUBJECT: Proposed Administrative Policies with Regard to Proclamations and
Press Releases

SUBMITTED BY: David A. Hulseberg, Village Manager

BACKGROUND/POLICY IMPLICATIONS:

Request for concurrence on the proposed Administrative Policy with regard to Proclamations
and also the proposed Administrative Policy with regard to Press Releases.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____

Village Manager *David A. Hulseberg* _____

Date _____

Date 8/8/12

NOTE: All materials must be submitted to and approved by the Village Manager's
Office by 12:00 noon, Wednesday, prior to the Agenda distribution.



MEMO TO : The Honorable President
and Board of Trustees

FROM : David A. Hulseberg *DAH*
Village Manager

DATE : August 8, 2012

SUBJECT : Administrative Policies – Proclamations and
Press Releases

Attached is a proposed Administrative Policy with regard to Proclamations as well as a proposed Administrative Policy with regard to Press Releases. Also attached is a memorandum from Village Attorney Tom Bayer with regard to Ceremonial Proclamations. This item is being placed on the August 23rd Village Board meeting for review and approval.

If you have any questions, please feel free to contact me.

/cb

DAH ADMIN POLICIES PROCS PRESS RELEASES 08082012

VILLAGE OF LOMBARD

ADMINISTRATIVE POLICY MEMORANDUM

Subject: Proclamation Protocol

No:

Date: August 23, 2012

By: Village Manager's Office

Approved:

Village Manager

Distribution: All Departments

I. Purpose

It is the policy of the Village of Lombard that all Proclamations must be routed through the Village Manager's office through the Executive Coordinator. This will ensure that all Proclamations are included in the Village website, are of a consistent format and are presented to the Village President for his signature.

II. Procedures/Guidelines

There are two types of Proclamations: **Ceremonial** and **Substantive**.

Ceremonial Proclamations may be requested by elected officials, Village staff or members of the public for the purpose of recognizing a person, group, event or cause of public importance.

Substantive Proclamations may be required by the Village President carrying the force of law as provided by the Illinois General Assembly. A substantive proclamation would follow the affirmative vote of a referendum to proclaim a law as was enacted by the referendum.

All requests for proclamations submitted to the Village Manager's office will be prepared by the Executive Coordinator. The proclamations will be scheduled for a Village Board agenda, if appropriate, or will be sent to the receiving party as recommended by the Village President.

All Proclamations presented at Village Board meetings will be read into the record by the Village Clerk.

VILLAGE OF LOMBARD

ADMINISTRATIVE POLICY MEMORANDUM

Subject: News Release Protocol

No:

Date: August 23, 2012

By: Communications

Approved: _____
Village Manager

Distribution: All Departments

I. Purpose

It is the policy of the Village of Lombard that all News Releases must be reviewed, formatted and disseminated through the Village Manager's Office, Communications Division. This will help to promote a unified message, consistent format and professional image for the Village. This will also ensure that the messages are posted to the Village website (and other media outlets) and that Communications staff members are aware of the news in the event of calls from the media. It will also assist in fostering relationships between the media and communications staff.

II. Procedures/Guidelines

It will be the responsibility of the Communications Division to write, edit and distribute all news releases sent by the Village of Lombard to the Village's media distribution list. News release drafts may be submitted by employees or elected officials. Requests for news releases may also be made to Communications staff, which will research and prepare news releases for distribution.

When appropriate, staff and elected officials will be contacted for comments on news releases relative to departments, a Trustee District or Trustee Committee item.

AFTER HOURS PROCEDURES

If the need arises for a news release to be distributed after hours, weekends or holidays, a member of the Communications staff should be contacted for assistance. Depending on the immediacy of the information to be distributed, Communications staff will write and distribute a news release in cooperation with the requesting department. If it is determined that the information can wait to be distributed on the next Village business day, arrangements will be made to do so.



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To: David A. Hulseberg, Village Manager, Village of Lombard

From: Jason A. Guisinger, Assistant Village Attorney

Via e-mail only

Date: August 3, 2012

Re: CEREMONIAL PROCLAMATIONS

Please accept this memorandum as a response to your question regarding the authority of the Village President, the Village Board as a whole, and individual Trustees to make ceremonial proclamations, such as those currently made by the Village President at the beginning of Village Board meetings.

It is important to note at the outset that the scope of this memorandum is limited to "ceremonial" proclamations, which generally recognize a person, group, event or cause of public importance, and do not have the force of law. Ceremonial proclamations are distinguished from "substantive" proclamations, which do carry the force of law. Examples of substantive proclamations would be those issued by the President of the United States on matters of international trade or the reservation of federal land for the benefit of the public, or proclamations of a state governor declaring a state of emergency. The authority of a chief executive officer of a public body to make substantive proclamations is generally based on authority delegated to the executive branch by the legislature, or is inherent to the executive duties of the office.

An example of a substantive proclamation that is made by a mayor or village president in Illinois is where a referendum question submitted to the electors of a municipality, regarding whether to adopt the managerial form of government under Article 5 of the Illinois Municipal Code, is answered in the affirmative. In this case, the mayor or village president is required to proclaim that Article 5 of the Illinois Municipal Code is in effect, and transmit a certificate of adoption of the managerial form of government to the Illinois Secretary of State, the county recorder, and the clerk of the court for filing in each of their respective offices. 65 ILCS 5/5-1-10. Again, this power to make a proclamation carrying the force of law is provided by the General Assembly.

On the other hand, the authority to make ceremonial proclamations, which generally recognize a person, group, event or cause of public importance, is not rooted in Illinois State statute, case law or the Village Code; rather, the making of ceremonial proclamations is generally based on a public body's tradition, custom and practice of the chief executive officer publically making such proclamations at meetings of the public

body.¹ It makes sense that ceremonial proclamations are not specifically referenced in State law or the Village Code, given that these proclamations have no binding legal effect.

Thus, the authority of the Village President to make ceremonial proclamations is found in the tradition, custom and practice of the Village, not any specific statutory provision or case law.

In regard to the Village Board, it has not been the custom and practice of the Village for the Village Board, as a whole, to make ceremonial proclamations. Nonetheless, the Village Board can make such proclamations by way of motion or resolution proclaiming whatever the Village Board desires to ceremoniously proclaim.

With respect to individual Trustees of the Village, it has also not been the custom and practice of the Village for individual Trustees to make ceremonial proclamations. The custom and practice has been for the Village President, as chief executive officer of the Village, to make ceremonial proclamations. That said, an individual Trustee could read something into the record that he/she believes to be of public importance during Village Board comments. Finally, Trustees are free to recommend that the Village President make certain ceremonial proclamations that they feel are important.

Please contact us with any additional questions.

cc: Thomas P. Bayer, Village attorney

¹The sanctioning of ceremonial proclamations of a mayor or village president by custom and usage is analogous to the use of advisory committees by Illinois municipalities, which are not specifically authorized by State law, but are grounded in custom and usage. See 4 Eugene McQuillin, THE LAW OF MUNICIPAL CORPORATIONS §13.74 (3d ed. rev. 2011).