

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

X
Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

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

DATE: December 21, 2010 (COW)(B of T) January 6, 2011

TITLE: Request to approve a purchase in the amount of \$326.00 to Giagnorio's Pizza

SUBMITTED BY: Timothy Sexton, Director of Finance

BACKGROUND/POLICY IMPLICATIONS:

Pursuant to 65 ILCS 5/3.1-55-10(b)(2) and 50 ILCS 105/3(b)(2), the elected or appointed municipal officer may provide materials, merchandise, property, services or labor to the municipality under the following circumstances:

- A. Public disclosure of interest;
- B. Abstain from voting;
- C. Majority vote approves (of all holding office – 4 of the other 6 Board members);
- D. Contract does not exceed \$2,000; and
- E. Aggregate of all contracts does not exceed \$4,000 in fiscal year.

Based on the foregoing, Trustee Giagnorio must request that the \$326.00 bill for pizza from his business be removed from the Accounts Payable on the consent agenda, and that the approval of said bill be voted on separately.

The Village has historically used several local restaurants, such as Giagnorio's, Old Towne Pizza, Buona Beef, Subway, Jimmy John's and Pot Belly, for various meetings, workshops and storm events, as needed.

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X <i>DAH</i> _____	Date _____
Village Manager X _____	Date _____

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.



To: Village President and Board of Trustees
David Hulseberg, Village Manager

From: Timothy Sexton, Director of Finance

Date: December 21, 2010

Subject: Weekly Accounts Payable for December 24, 2010

In regard to the item for Approval of Accounts Payable for the date of December 6, 2010, there is a \$326.00 Village credit card purchase to Giagnorio's Pizza. Pizzas were purchased for the "Shop With a Cop" event. Trustee Giagnorio was concerned how this should be handled.

According to our legal counsel:

In response to your inquiry, please be advised as follows:

1. Pursuant to 65 ILCS 5/3.1-55-10(a):

A municipal officer shall not be:

Financially interested directly in the officer's own name or indirectly in the name of any other person, association, trust or corporation, in:

- A. Any contract, work or business of the municipality; or
- B. The sale of any article;

whenever the expense, price or consideration of the contract, work, business or sale is paid either from the treasury or by an assessment levied by state or ordinance.

2. Pursuant to 50 ILCS 105/3(a):

No person holding any office, either by election or appointment under the laws or constitution of Illinois, may:

Be in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust or corporation in any:

- A. Contract; or
- B. The performance of any work;

in the making or letting of which such officer may be called upon to act or vote.

3. Notwithstanding the foregoing, pursuant to 65 ILCS 5/3.1-55-10(b)(2) and 50 ILCS 105/3(b)(2), the elected or appointed municipal officer may provide materials, merchandise, property, services or labor to the municipality under the following circumstances, which would appear to apply to the present situation:

- A. Public disclosure of interest;
- B. Abstain from voting;
- C. Majority vote approves (of all holding office – 4 of the other 6 Board members);
- D. Contract does not exceed \$2,000; and
- E. Aggregate of all contracts does not exceed \$4,000 in fiscal year.

Based on the foregoing, Trustee Giagnorio must request that Accounts Payable for the period of December 24, 2010, which includes the \$326 bill for pizza from his business, be removed from the consent agenda, and that the approval of said Accounts Payable be voted on separately. When the vote takes place, Trustee Giagnorio must publicly disclose his ownership of Giagnorio's Pizza, and abstain from voting when his name is called as part of the roll call on the motion.

Therefore, the Approval of Accounts Payable for December 24, 2010 is being moved to separate action following this request.

Staff recommends approval of this expenditure.