



TO: Lyn Myers, Chairperson, Lombard Historic Preservation Commission

FROM: Scott Niehaus, Village Manager

DATE: July 23, 2025

SUBJECT: REVIEW OF HPC ENABLING ORDINANCE AND BY-LAWS

I am writing to follow up on our discussion of June 27 regarding a potential review of the HPC enabling ordinance and By-Laws. Specifically, we discussed whether or not it was necessary for standing committees of the Village to have separate by-laws outside of the enabling ordinance. For reference purposes, I have attached copies of both the enabling ordinance and the by-laws to this memo.

At that meeting, you asked a number of questions and have subsequently followed up with additional ones for comparison purposes. A quick review is provided below:

1. **Do other standing committees of the Village Board have their own by-laws in addition to their enabling ordinances?** No. The HPC is the only one that has separate by-laws.
2. **Do standing committees have their own budget and do they have the ability to spend money or enter into contracts?** Each standing committee does have an associated budget that covers basic expenses for office supplies, organizational memberships, potential legal fees, training, etc. However, it should be noted that standing committees do not have the ability to formally/officially authorize expenses or enter into contracts on behalf of the Village. All expenses must be approved by staff in conjunction with our purchasing policy or formal Village Board approval.
3. **Do any standing committees have the authority to take final action on items?** No. All standing committees are recommending bodies only.
4. **Do any standing committees take part in the employee evaluation process? For example, does the Finance Committee review the performance of the Finance Director.** No. This is not a function or stated authority of any standing committee.
5. **Do other standing committees provide an annual report to the Village Board?** No. It is not required in their enabling ordinances. However, per section 32.076 of the Village Code, the HPC is required to file such a report.

6. **Do other boards have subcommittees and if so, does the chairperson appoint the heads of those committees?** No. The other standing committees do not have subcommittees.
7. **Does the HPC perceived role or involvement in funding of the LHS and review of its director put the Village at risk in any way shape or form?** Yes. There is a potential concern that this could create a potential liability for the Village in terms of pension requirements. As such, it is recommended that this past practice be terminated.
8. **Without by-laws, where would the attendance/communication with the LHS ex-officio be stipulated?** If there were no by-laws, this could be absorbed into the formal Village Code through an amendment. Of course, this assumes that the HPC and Village Board felt that an ex-officio member from the LHS provided a benefit to the commission. There is similar language in the Community Tourism and Promotion Committee that stipulates that a representative of the CVB be listed as an ex-officio member.

As you can see from the above questions and answers, there may be some merit to conducting a review of the by-laws to determine which items are consistent with the mission of the enabling ordinance and the practices/duties of the other standing committees. Doing so may allow the Committee to identify those aspects of the by-laws that actually exceed the authority of the ordinance and should be eliminated as well as those items that can be written into code. Staff would be willing to assist the HPC in this endeavor if there is an appetite to do so.

In addition, I wish to communicate that this assessment is done with the utmost respect of the HPC and their past efforts. It is not to indicate that anyone was doing anything wrong by any means. Over time, it is not uncommon for volunteer groups to take on many duties and initiatives because they have the ability and interest in certain subject matters that lend themselves to such endeavors. However, what we do know historically is that things do change and it is always good to take a step back and re-assess as that happens. I believe that is what may be indicated here based upon the questions and answers identified.

I am happy to discuss further as necessary. Please feel free to reach out with any questions.

SN:cb