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Glen Ellyn Village Board Seeks Dialogue with College of DuPage Board

Glen Ellyn, IL –Village Officials invited College of DuPage Board members to join its Monday, November 21st Workshop as a way to create dialogue Board to Board in hopes of addressing any concerns now that the DuPage Circuit Court has ruled that the College is a local government and the Village has jurisdiction. They did not attend. Village President Pfefferman extended other offers to the COD elected officials to meet at another mutually acceptable time at the Workshop and in letters dated November 19 and November 23, 2011 to COD Board Chairman Carlin ([see communication here](#)).

At Monday night's meeting, the Village informed the public that the College had agreed to have the BIC East renovation inspected as construction was taking place, and proceeded with the rest of construction at its own risk until the judge's ruling. The Village had explicitly informed the College of this risk in letters dated April 2009 and October 2011. To save taxpayers time and money, and per Judge Sheen's ruling and these previous communications, the Village of Glen Ellyn intends to begin reasonably enforcing Village ordinances on December 1, unless the College and Village adopt a mutually agreeable intergovernmental agreement (IGA) prior to that date.

Also in the spirit of Judge Sheen's ruling, the Village continues to be committed to advancing the combined interests of District 502 and the Village of Glen Ellyn through the adoption of a reasonable intergovernmental agreement that addresses the College's legitimate concerns and permits enforcement of the Village's essential codes and ordinances. The Village Board strongly believes that the 2007 IGA accomplishes that objective and that a proposed 2011 IGA does not. Monday night, the Village reiterated that they are willing to immediately re-adopt the 2007 Intergovernmental Agreement. The Village Board clarified the record and explained that the agreement, approved unanimously by the College of DuPage Board, in May 2007, worked well for nearly three years. (The formal agreement was in effect from May 2007 to December 2008, yet both parties agreed to operate under the basic terms of the agreement since 2005.) It was also noted that the currently-seated College of DuPage Board has not considered the 2007 agreement since the Village proposed its re-adoption in June. The Village is confident that all provisions of the 2007 IGA pass Judge Sheen's three-part test, but indicated that they are willing to negotiate provisions of the agreement that the College does not feel pass this test.

The College of DuPage has stated that they will seek de-annexation, marking the second time this year that it has made this threat. Village President Pfefferman was succinct and clear in discussing de-annexation: "the College's desire to de-annex from the Village sends the wrong message – if you

do not like the rules, leave, even after three court decisions have not supported the premise.” De-annexation could subject the college to the same or stronger regulations by DuPage County. Most concerning, the move itself and the legal fees associated with the de-annexation process will cost taxpayers even more time and money. These are among many reasons why the Village Board has requested a meeting directly with the College of DuPage Board: to do the work of the people and establish a plan for efficient and productive co-existence.

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***** On November 8, 2011, Judge Terrence M. Sheen of the Circuit Court of DuPage County issued a much-awaited order in the lawsuit filed by the College of DuPage against the Village of Glen Ellyn. The College had argued that it was immune from almost all Village ordinances. Although Judge Sheen’s decision clearly indicated that the College of DuPage was subject to the Village’s codes and ordinances (subject to a three-part test outlined by Judge Sheen), the College continued, in its public and private statements, to assert that the Court had not resolved matters and that it would not subject itself to the Village’s jurisdiction and perhaps advance the decision to yet another court. The College has taken no steps to comply, and only picked up their local liquor license last week “under protest”.**