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2007 Agreement Worked Effectively

Glen Ellyn, IL – In the spirit of DuPage County Circuit Court Judge Terrance M. Sheen’s recent ruling, the Village of Glen Ellyn continues to be committed to advancing the combined interests of District 502 and the Village through the adoption of a reasonable intergovernmental agreement (IGA) 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 between the College and the Village accomplishes that objective. At its Monday November 21st workshop, the Village reiterated that they are willing to immediately re-adopt the 2007 Intergovernmental Agreement.

The 2007 agreement, approved unanimously by the College of DuPage Board in May 2007, worked well for both entities 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.) In a May 18, 2007 letter of appreciation the Village received from former College of DuPage President Sunil Chand ([See link](#)), Dr. Chand writes “We have clarified how we will work together as both the Village and College grow and change, and I am completely confident that the IGA will strengthen the close cooperation that always characterized our work together.” In December 2008, the College of DuPage Board unilaterally rescinded that agreement which initiated the current dispute.

On November 8, 2011, Judge Sheen 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 Village ordinances. Although Judge Sheen’s decision clearly indicated that the College of DuPage is subject to local 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 to indicate that it would not subject itself to the Village’s jurisdiction.

In the past 50 months, the College has passed an intergovernmental agreement with the Village, unilaterally rescinded that agreement, sought court injunctive relief against the Village and both circuit court and appellate court denied motions for injunctive relief, requested a new intergovernmental agreement with the Village, passed an agreement, unilaterally rescinded that agreement before the Village voted on it, passed a motion to de-annex from the Village, agreed to jointly go to court with the Village for summary judgment to end the conflicts with the Village and accept the court’s reasonable decision, rejected the court’s decision, petitioned the Illinois Community College Board (ICCB) twice for a change in construction regulations (they remain

unchanged) proposed another IGA with a provision that notes the College would not de-annex and then a week later stated it would pursue de-annexation and petition the ICCB again. All of this comes at the expense of taxpayers' time and money.

The currently-seated College of DuPage Board has not considered the 2007 intergovernmental agreement since the Village proposed its re-adoption in June. Five of the College's current board members were not seated when the College adopted and rescinded the agreement, and the remaining two, including Board Chairman David Carlin, voted in favor of the agreement's adoption in 2007. The Village is confident that all provisions of the 2007 agreement pass Judge Sheen's three-part test, yet the Village Board indicated that it is willing to negotiate directly with College Trustees any provisions of the agreement that the College does not feel pass that test.

The Village respects the need of the College to decide its course of action. In the meantime, in the spirit of the court decision, the Village of Glen Ellyn intends to begin reasonably enforcing Village ordinances on December 1st, unless the College and Village adopt an intergovernmental agreement prior to that date.

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