

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE: August 8, 2018 (B of T) Date: August 16, 2018
TITLE: Recommendation of the Community Relations Committee
Approval of a Board Policy on Outdoor Monuments on Municipal Property

BACKGROUND/POLICY IMPLICATIONS:

Attached please find information pertaining to a proposed Board Policy on Outdoor Monuments on Municipal Property. The proposed policy provides for criteria, procedures and considerations relating to requests for placement of monuments upon Village property. The policy was reviewed and recommended for approval by the Community Relations Committee.

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	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.

MEMORANDUM

TO: Scott Niehaus, Village Manager
FROM: Nicole P. Aranas, Assistant Village Manager *ADW*
DATE: August 8, 2018
SUBJECT: CONSIDERATION OF BOARD POLICY ON OUTDOOR MONUMENTS ON MUNICIPAL PROPERTY

Attached please find information pertaining to a proposed policy on the installation of outdoor monuments on municipal property. The proposed policy provides for criteria, procedures and considerations relating to a request for placement of a monument on Village property and has been recommended for approval by the Community Relations Committee.

The Village previously received a request from the American Legion for placement of a monument display on Village property. The Village Board previously directed the development of a Monument policy to regulate the initial request and any future requests for placement of monuments on Village property.

The proposed policy addresses the following items:

- Permitted monument types
- Monument donation
- Maintenance funding
- Review process
- Criteria for approval
- Location considerations

A primary purpose for establishing a policy on the placement of privately purchased or initiated monuments on public property is to insure that the Village of Lombard will not incur financial obligations for expenses related to the fabrication, installation or maintenance of a proposed monument. The proposed monument policy was reviewed by the Community Relations Committee at their June meeting and recommended for approval by the Village Board of Trustees.

Please let me know if there are any issues, questions or concerns regarding this request.



VILLAGE OF LOMBARD
BOARD POLICY MEMORANDUM

SUBJECT: Donated Monuments Policy **No.** 5.J
By: Board of Trustees
Approved: August 16, 2018

I) PURPOSE AND INTRODUCTION

The purpose of this Donated Monuments Policy (“Monuments Policy”) is to establish criteria and guidelines for the acceptance of donated Monuments, and the installation of same at outdoor locations on Village property that are determined by the Village to be appropriate to serve as the site for a Monument. The Village may, from time to time, decide to install donated Monuments on Village property to commemorate individuals, entities, organizations or groups, or events of note, as a form of “Government Speech.” By placing donated Monuments on Village property, the Village intends only to engage in “Government Speech” and does not intend to open a public forum for free speech activity.

The Village recognizes that Monuments can convey a connection between the Village and its history, and in some instances its future. It is, therefore, important that the placement of Monuments on Village property be limited to circumstances of the highest community-wide importance, both to maintain the significance of such Monuments and to minimize conflicts with the active and variable uses of Village property.

Notwithstanding the foregoing, the Village may decide, in its sole discretion, to reject a proposal for a Monument and/or may determine that the appropriate site for a Monument is other than the location being requested by the individual, entity, organization or group that is donating the Monument to the Village.

II) DEFINITIONS

Monument or Monuments – Markers, plaques, statues, sculptures, fountains or other similar structures which express “Government Speech,” as further described in this Monuments Policy, and which are donated to the Village for installation on Village property.

III) MONUMENTS AS A FORM OF GOVERNMENT SPEECH

The installation of Village-approved Monuments on Village property shall constitute “Government Speech” relative to the Village’s recognition of:

- The contributions of individuals, entities, organizations or groups who have made a significant positive impact upon the Village or the greater locale of the Village;

- Significant events in the history of the Village, DuPage County, the State of Illinois or the United States of America, which have involved or had an impact on residents of the Village;
- Historical or cultural influences on the Village;
- Local innovation or creativity that has contributed to the Village's government, growth or economy; or
- Such other items as may be added to this Monuments Policy, from time to time, by the President and Board of Trustees of the Village.

The Village shall not place Monuments on Village property which have the purpose or appearance of promoting, favoring or opposing any religion.

IV) DONATIONS AND FUNDING OF MONUMENTS

As the Village may accept private monetary donations to support various Village programs and operations, the Village may, at its sole option, accept monetary donations to pay the costs associated with the installation and maintenance of Monuments on Village property.

The Village may, at its sole option, accept a donated Monument as a form of "Government Speech," provided that the Monument meets all of the criteria set forth in this Monuments Policy. Upon acceptance of a Monument by the Village, pursuant to a proper Bill of Sale in relation thereto being tendered to the Village, title to the Monument shall vest with the Village, and the Village shall thereafter have sole control over the Monument, including, but not limited to, any decision as to whether or not to display same on Village property temporarily, permanently or not at all.

The Village shall be under no obligation to accept any donated Monument, even if the Monument meets all of the criteria set forth in this Monuments Policy. Unless otherwise agreed to by the President and Board of Trustees of the Village, any donated Monument, which is accepted by the Village, shall be accompanied by such funds as the Village deems necessary for the installation of the Monument, and the future maintenance thereof once installed.

V) REVIEW PROCESS

The Village Manager, or his/her designee, shall provide the initial screening of a Monument donation proposal to determine if the proposed Monument complies with the provisions of this Monuments Policy, including, but not limited to, the evaluation of the suitability of a proposed site for the Monument, if one is proposed relative to the Monument donation proposal. The Village Manager, or his/her designee, shall decide whether to forward the Monument donation proposal to Village Staff for further review, or to decline further Village consideration of the Monument donation proposal based upon considerations consistent with this Monuments Policy.

If the Village Manager, or his/her designee, decides to conduct further review of the Monument donation proposal, he or she shall refer the Monument donation proposal to the Director of Public Works for review and consultation. The Director of Public Works, or his/her designee, shall evaluate the Monument donation proposal and make an advisory recommendation to the Village Manager regarding the Monument donation proposal based upon the factors set forth in this Monuments Policy and the suitability of the site proposed for the Monument, if any. If no site is proposed for the Monument, the Director of Public Works, or his/her designee, shall make a recommendation as to a proposed site to the Village Manager.

The Village Manager, or his/her designee, shall consider the recommendation of the Director of Public Works, or his/her designee, and make a final determination regarding whether to approve or decline the Monument donation proposal and, if approved, make a determination as to the proper site for said Monument. Those advocating the Monument donation proposal may appeal a decision by the Village Manager to decline the Monument, or the Village Manager's decision as to the site for the Monument, to the President and Board of Trustees of the Village by submitting a written appeal request to the Village Clerk within thirty (30) days of the Village Manager's decision.

VI) REVIEW CRITERIA

A proposed Monument must conform to the approved "Government Speech" recognition topics as set forth above. A Monument must be made of durable materials, able to withstand the elements for a minimum of fifty (50) years, with minimal maintenance, shall be of a scale, materials, color and style appropriate for and consistent with the proposed location for the Monument.

In reviewing a Monument donation proposal, the following criteria shall be looked to once it has been determined that the proposed Monument conforms with the "Government Speech" recognition topics set forth above:

- A. Whether the individual, entity, organization or group being memorialized has made a significant enough contribution, or whether the event being memorialized is significant enough, to merit a Monument of the nature and size of the Monument proposed for donation to the Village.
- B. Whether the proposed Monument duplicates existing Monument themes. Multiple Monuments relative to the same individual, entity, organization, group or event shall be avoided.
- C. Whether the proposed Monument is objectionable to the individual, entity, organization or group that the Monument is intended to commemorate or honor.
- D. Whether the proposed site for the Monument is appropriate for a Monument.

- E. Whether the proposed Monument has been designed by, or under the direct supervision of, and constructed by, a qualified professional or company engaged in the art of designing such Monuments, so as to insure that it has been designed and constructed in a proper manner.
- F. Whether the proposed Monument is of a scale and character commensurate with the location of, and circulation and use patterns in relation to, the Village property on which it is intended to be located.
- G. Whether the proposed Monument displaces or negatively impacts the intended function and/or use of the Village property upon which it is proposed to be located.
- H. Whether there is a committed and verifiable funding source for the installation and maintenance of the proposed Monument.
- I. Whether the individual, entity, organization or group donating the proposed Monument has requested that the proposed Monument be located in the dedicated right-of-way, as dedicated rights-of-way shall not be considered for Monument sites.

VII) VILLAGE RESERVED RIGHTS

Notwithstanding any other provision of this Monuments Policy, the Village reserves the following rights, to be exercised in its sole discretion:

- A. To accept or decline the acceptance of a Monument.
- B. To install or not install a Monument on property owned by or under the jurisdiction of the Village.
- C. To relocate any Monument that has been installed on property owned by or under the jurisdiction of the Village, at any time and for any reason, without need to obtain the consent of the individual, entity, organization or group that donated said Monument to the Village.
- D. To remove any Monument that has been installed on property owned by or under the jurisdiction of the Village, at any time and for any reason, without need to return said Monument to the individual, entity, organization or group that donated said Monument to the Village.