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## VBH BOT ePacket Legal FYI

1 message

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**Sat, Nov 19, 2011 at 7:36 AM**

To: Dolores Trandel <clerk@barringtonhills-il.gov>

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COD doesn't want Glen Ellyn address  
By Christopher Placek  
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[PHOTO] The College of DuPage plans to disconnect its 273-acre campus from the village of Glen Ellyn. Scott Sanders | Staff Photographer

College of DuPage officials say they're actively pursuing plans to deannex from Glen Ellyn following a declaration by village officials earlier this week that they intend to strictly enforce local ordinances and codes on the 273-acre campus.

It's the latest episode in an ongoing intergovernmental drama that may have climaxed at Wednesday's meeting of the COD board of trustees. Glen Ellyn Trustees Peter Cooper and Carl Henninger told the board at that time that the college will be subject to citations and stop work orders as of Dec. 1 if ongoing construction projects at COD don't comply with village codes.

A judge ruled this month that the college isn't exempt from the village's jurisdiction and may be subject to village building inspections, permitting and approvals.

Calling the trustees' statements "threats," COD President Robert Breuder said he will bring a resolution for deannexation before the college board at its next meeting Dec. 15. The board already authorized its attorneys in May to look into the disconnection process.

"Both the village and college will continue to serve citizens of the village in the best possible way," Breuder said in a statement. "Dissolved marriages do not have to result in acrimony between the separating parties. A less formal relationship can be productive, and in this instance will likely be in the best interests of our citizens."

A policy statement adopted by the village board in June said the village wouldn't object to deannexation as long as:

- deannexation would not lead to parts of the village being isolated from its corporate limits;
- the village is granted utility easements for village-owned or managed water and sewer systems;

- and the village doesn't incur any out-of-pocket expense related to the deannexation plans

If COD deannexes, it would automatically become part of unincorporated DuPage County without the need of a vote from the county board.

County board Chairman Dan Cronin said he's a "passive participant" in any attempt by COD to deannex from Glen Ellyn. He said he was contacted "months ago" by Breuder, which resulted in a meeting between college and county officials.

"I'm not picking sides between the village and COD," Cronin said. "But I believe it's my duty and my responsibility to provide College of DuPage information so they could make informed decisions about their future."

If COD leaves Glen Ellyn, Cronin acknowledged the campus wouldn't generate any tax revenue for the county's coffers. But no matter what happens, Cronin said he's seeking "a closer working relationship" with the leadership of COD to do joint ventures on workforce development and training.

College officials didn't provide a timeline for when disconnection could officially occur, saying it depends on cooperation from the village.

"Unless the village reneges, the work necessary to effect deannexation should be relatively minimal in terms of time and money," Breuder said in a statement.

COD attorney Ken Florey said there are two methods for deannexation: working with the village or filing a petition for deannexation in DuPage County Circuit Court.

The village has said it would continue to provide water and sewer service to the college — albeit at higher unincorporated rates.

Breuder said the college also could choose to connect its utility system to another provider, such as Illinois American Water.

Cronin said he believes the ideal scenario would be for Glen Ellyn to provide the service if the college leaves the village.

"When you are talking about water to an institution like College of DuPage — a very, very important economic engine and a very, very important influence in our community — I think it's incumbent on both parties to negotiate in good faith," he said.

The Glen Ellyn Volunteer Fire Company has indicated it will continue to serve the campus, but the college would have to enter into an agreement with the company for payment considerations, according to the village's policy statement.

The village's police department would not continue to provide services to COD, except during mutual aid calls, the village said.

The village had scheduled a "joint meeting" between the village and college board Monday at village hall to discuss the ongoing dispute.

Village officials hoped the college would reconsider a 2007 intergovernmental agreement between the two sides that the college withdrew from in December 2008. COD officials wanted the village to adopt a 2011 intergovernmental agreement.

Both sides say the other's preferred agreement cedes too much authority.

On Friday, COD board Chairman Dave Carlin formally rejected the meeting invitation, in an email to Village President Mark Pfefferman. He did say, however, that the college would be open to scheduling a meeting to discuss "the best course of action to ensure a seamless deannexation."

- Daily Herald Staff Writer Robert Sanchez contributed to this report.

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