

Citizens for Bill Nienburg
Downers Grove and DuPage County Illinois

April 15, 2024

Mayor Bob Barnett, Village of Downers Grove
Village Commissioners Greg Hose, Leslie Sadowski Fugitt,
Chris Gilmartin, Mike Davenport, Martin Tully, Danny Glover
Village Manager David Fieldman
Assistant Village Attorney Brandan Rissman

cc: Bill Nienburg

Re: Active Agenda Item April 16, 2024

Dear Village Mayor, Commissioners, Manager and Attorney:

The Village of Downers Grove ("Village") has posted its Business Meeting Agenda for the next meeting at Village Hall on Tuesday night April 16, 2024 at 7:00pm, with this active agenda item:

- [RES 2024-10348](#) A. Resolution: Approve the Removal of William Nienburg from the Library Board of Trustees

The proposed Resolution states pursuant to Section 2.53.1 of the Downers Grove Municipal Code that: "Members of any board or commission serve at the pleasure of the appointing authority and may be removed as provided in this section." Further, it states that the Village Council can remove a Member it has appointed "with not less than four (4) votes."

The Village Council does not have the authority to summarily remove DGPL Board Member Bill Nienburg by this Resolution. Illinois Local Government Law requires a unit of local government to prove grounds for removal of a member of a board, specifically:

The **Local Volunteer Board Member Removal Act** (50 ILCS 60/10) provides in pertinent part: "notwithstanding any other provision of law, the person or entity that appointed a member of a board may remove that member **for misconduct, official misconduct, or neglect of office.**" **This Volunteer Board Member Removal Act was enacted *after* your Village Ordinance Section 2.53.1.**

The Village has not reported or proven any valid or lawful reason(s) to remove DGPL Board Member Bill Nienburg as is required by law. Its proposed Resolution incorrectly says "State law does not provide for the removal of Library Board of Trustee members." The proposed Resolution fails to present facts or allege that Bill Nienburg engaged in misconduct, official misconduct or neglect of office. Further, it acknowledges that **"where removal from a board or commission is governed by statute, *such statute shall control.*"**

The effort to remove DGPL Board Member Bill Nienburg is, in fact, governed by statute. Hence, the Village Council will violate the law if it acts on the proposed Resolution this Tuesday night. To remove Bill without stating a cause would reek of fundamental unfairness and violate due process accorded to citizens under the U.S. Constitution's Fifth and Fourteenth Amendments.

Further, the DGPL Board does not have the authority to censure a fellow Board Member. DGPL Board's passage of a Resolution to censure Bill Nienburg is invalid - and is malfeasance.

Please see below legal and factual reasons to support Bill Nienburg remaining on the DGPL Board despite the wild accusations made by the Library Director/Board Members against him:

1. Bill Nienburg has faithfully performed his duties as a DGPL Board Member since his appointment in 2022. He understands fully his responsibility to represent all Downers Grove constituents. The public has a vested interest in Bill's continued service on the DGPL Board.

2. Bill has not engaged in misconduct, official misconduct or neglect of office. The allegation against him relates to an email Bill sent to a resident of Downers Grove. This minor issue pales in comparison to **significant malfeasance** engaged in by the DGPL Director and Board Members. For instance DGPL's blatantly illegal disclosure of names/addresses of all its library card holders.

3. At the November 2023 DGPL Board Meeting, Bill Nienburg:

a) made a motion to revise the DGPL land acknowledgment to honor native Americans and their proud heritage in proper historical context. He spoke against the divisive, destructive nature of the DGPL's current acknowledgment. Bill said he wanted the land acknowledgment to be positive, constructive and unifying - not divisive;

b) noted the current statement values victimhood, presents a one-sided account of history, is performative and virtue signaling without providing any real value to Native Americans;

c) raised questions about cost items in DGPL budget, noting that the cost column in the budget had been left entirely blank, yet the DGPL Board went ahead and approved it anyway in August 2023. The Director and other DGPL Board Members said they "trust the staff" to decide as "we move forward" what items would be purchased with yet-to-be-determined costs for things such as "professional services" where "we are not sure what they are going to cost." Bill said this type of budget planning was questionable and not consistent with fiscal responsibility.

d) exposed the Library Director and the other Board Member's failure to meet their duty to establish a budget with specific line items and estimated costs. By their own admission they later delegated to the staff the task of deciding what "professional services" to spend money on, providing only vague guidance regarding future "needs" that had not yet been determined.

The DGPL Director and Board Members did not appreciate Bill's frank-but-true comments. Isn't the Director and Board Member's delegation of responsibilities to unelected, unappointed and unaccountable staff members an abdication of their fiduciary obligations to the public?

4. Numerous members of the Downers Grove community and local areas served by the DGPL have spoken and sent emails in support of Bill Nienburg remaining on the DGPL Board. We implore you to recognize those of us who need Bill to stay on the DGPL Board to speak for us.

In an April 4, 2024 letter to Illinois Assistant Attorney General Katie Goldsmith, Attorney Rissman explained the Village has adopted both the Commission Form of Government (65 ILCS 5/4-1-1, *et seq.*) and the Managerial Form of Government (65 ILCS 5/5-1-1, *et seq.*).

The Village needs to take a more active role in oversight of the Library. It is clear that the Village takes a hands-off approach to library operations. However, the hands-off approach was quickly dispensed with when the DGPL demanded that the Village act on an inconsequential matter regarding disagreements among the DGPL Director and the Library Board Members.

In light of the foregoing, we the People of Downers Grove and DuPage County request the Mayor/Village Council take immediate action to remove the April 16, 2024 Active Agenda item.

We trust that cooler heads (Barnett, Tully and Glover) will prevail over the rest of the Council.

Sincerely and in Truth,

Citizens for Bill Nienburg