

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2023-O-20

AN ORDINANCE AMENDING TITLE III
OF THE TOLONO MUNICIPAL CODE
TO REORGANIZE AND ADD PERTINENT CHAPTERS,
PROVISIONS, AND POLICIES

Passed by the Board of Trustees and
Approved by the President
of
Village of Tolono, Illinois
On December 19, 2023

Published in pamphlet form by authority of the President and Board of Trustees
of the Village of Tolono, Champaign County, Illinois,
this 19th day of December, 2023

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AND POLICIES**

WHEREAS, the Village of Tolono, Champaign County, State of Illinois (the “Village”) is a duly organized and existing Municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village of Tolono previously enacted a Municipal Code of Ordinances and from time to time it is necessary to update said Code; and

WHEREAS, the Village Board of Trustees finds that it is appropriate to update and revise said Title as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, ILLINOIS, AS FOLLOWS:

Section 1. Incorporation Clause.

The President and Board of Trustees of the Village of Tolono hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 2. Purpose.

This Ordinance is to amend Title III of the Tolono Municipal Code as provided herein.

Section 3. Amendment.

Title III of the Tolono Municipal Code is hereby amended as follows:

“TITLE III: ADMINISTRATION

Chapter

30. VILLAGE BOARD OF TRUSTEES

30.01 Governing Body

The corporate authorities of the village shall consist of the Village President and the Board of Trustees. The Board shall consist of 6 Trustees, elected from the village at-large as provided by state statutes.

30.02 Board of Trustees; Functions

The Board of Trustees shall be the legislative department of the village government and shall perform the duties and have the powers as may be authorized by state statute or ordinance.

30.03 Village President; Functions

The Mayor shall be the Chief Executive Officer of the village and shall perform all the duties as may be required of him or her by state statute or ordinance. He or she shall have supervision over all of the executive officers of the village and shall have the power and authority to inspect all books and records kept by any officer of the city at any reasonable time.

30.04 Absence of President

(A) If a vacancy in the office of the President occurs, the Village Board shall elect 1 of its members to be Acting President to hold office until a new president is elected and qualified, as provided by state statute.

(B) If the President is unable to perform his duties because of temporary absence from the village or disability, the Village Board shall elect 1 of its members to be President Pro Tem in accordance with state statute.

(C) If a majority of the Trustees present at a Village Board meeting agree that an emergency exists during the temporary absence of the President, they may appoint a Trustee to act as Temporary President in accordance with state statute.

(D) If the President is not present at a meeting of the Village Board, the senior Trustee shall act as presiding officer of the meeting during the absence.

(E) An Acting President, a President Pro Tem, a Temporary President, and a Trustee acting as presiding officer may vote in his capacity as Trustee but may not be entitled to a second vote on any single matter.

Meetings; Rules of Procedure

30.10 Regular Meetings

(A) A regular meeting of the Village Board shall be held on the first and third Tuesdays in each calendar month of each year at 6:30 p.m.

(B) All meetings shall be at the Police Department meeting room, located at 205 East Main Street; the location shall be changed from time to time to accommodate large crowds with proper notice and signs posted clearly stating the place of the relocated meeting.

(D) Any meeting falling upon a legal holiday, or a holiday observed by the Village of Tolono, shall be held on the following day at the place above-mentioned.

30.11 Special Meetings

The President or any 3 Trustees may call a special meeting of the Village Board by notifying the Village Clerk of such a meeting. The Clerk shall notify the President, Trustees, and appropriate officers at least 48 hours in advance of the special meeting, either personally, digitally, or by leaving a message at his usual place of abode, stating the purpose for which the meeting is called. No business shall be transacted at a special meeting, except that mentioned in the Clerk's

notice. The Clerk shall give public notice of a special meeting in the manner provided by state statute.

30.12 Notice of Meetings

A schedule of regular meetings shall be prepared by the Village Clerk before the beginning of each calendar year. The schedule shall be posted at Village Hall and the Police Department. A copy of the schedule and a copy of every notice of a special meeting shall be provided to any representative of the news media who has requested the notices.

30.13 Attendance at Meetings

It shall be the duty of every member of the Corporate Authorities to be present on time at every meeting of the Village Board unless unavoidably prevented; nor shall any member absent himself during the session unless excused by a majority of the members present.

30.14 Quorum; Votes Required

(A) No business of the Corporate Authorities shall be conducted without a quorum present. A quorum shall consist of at least 4 Trustees or of the President and at least 3 Trustees.

(B) All ordinances for whatever purpose, and any resolution or motion to create any liability against the village or for the expenditure or appropriation of money, shall require the concurrence of a majority of all members of the Corporate Authorities then holding office. All ordinances, resolutions or motions to sell property, or to vacate streets and alleys shall require the concurrence of $\frac{3}{4}$ of the Trustees then holding office.

30.15 Reconsideration of Actions

The Village Board may reconsider its votes and actions upon questions before it and may rescind its previous action as provided by state statute.

30.16 When the President is to Vote

(A) The President shall preside at all meetings of the Village Board. Except as otherwise provided by law, he or she shall not vote on an ordinance, resolution or motion except:

- (1) Where the vote of the Trustees has resulted in a tie;
- (2) Where $\frac{1}{2}$ of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote; or
- (3) Where a vote greater than a majority of the Corporate Authorities is required by statute to adopt an ordinance, resolution or motion.

(B) In each instance specified, the President shall vote.

30.17 Rules of Procedure

The President shall preserve order and decorum and shall decide all questions of order, subject to an appeal to the Village Board. Appeals to the Village Board shall be decided without debate. On all points of order not herein specifically provided for, *Robert's Rules of Order* is adopted and made the law governing the deliberations of the Village Board.

30.18 Public Meeting Speaking Rules

Pursuant to the village's rule-making authority set forth in the Illinois Open Meetings Act, the rules governing public comment at all Board meetings of the President and Board Members of the village shall be as follows:

(A) There shall be a public comment period listed as a "Public Comments" item on each meeting agenda for all meetings of the President and Board Members of the village.

(B) The public comment portion of the agenda shall be limited to a total of 30 minutes but may be extended at the discretion of the President and Board if there is a large number of speakers.

(C) Speakers shall limit their commentary to 3 minutes. Should any speaker wish to offer further comment to the Board beyond the time allotted, they may tender such further comments in written form to the City Clerk.

(D) All persons wishing to address the Board during that public comment period at such meetings shall complete the sign-in sheet before the start of the meeting.

(E) Only those persons who have filled out such a speaker's sign-in sheet will thereafter be called to the podium, or other location as designated by the President, during the public comment period to address the Board, although the President may call on others as he/she deems appropriate.

(F) All those speakers called to speak shall first identify themselves, and if they choose, give their residential address by street, town, village or city, before they offer any comment to the Board.

(G) Speakers shall relate their commentary to matters of city business only.

(H) Speakers shall at all times address the Board, not the audience, media or others in attendance.

(I) Public comment is not intended for asking questions of officials or staff or engaging in dialogue or debate. Public officials and staff need not answer questions or engage in comments during the public comments period. If a person has a question of the public body, they may submit it in writing to the Village Clerk.

(J) Speakers may not use public comments to harass Board Members or employees, and profanity, raised voices or yelling, or threatening language will not be tolerated.

(K) Speakers shall respect both the decorum of the public meeting and the authority of the President as the Board's presiding officer.

(L) Speakers whose behavior disrupts the conduct of the public meeting or threatens the public safety are subject to removal from the meeting by any such individual(s) designated by the President upon a finding by the President that the speaker's behavior has violated this rule.

30.19 Executive Sessions

The Board may at any time, by the affirmative vote of a majority of the members present, resolve itself into executive session for any reason allowable by state statute.

(A) Motion to enter into executive session must state the reason allowable by state statute to enter executive session and the statute number.

(B) Vote must be a roll call vote.

30.20 Electronic Attendance at Board of Trustees Meetings

(A) A quorum of Trustees must be physically present at the location of an open or closed meeting of the Board of Trustees.

(B) Minutes of all meetings shall reflect if a Trustee was physically present or present by means of a video or audio conference. Approval of such attendance shall be approved by a majority of the public body in accordance with the state's statutes. Lack of such a specification shall be deemed to indicate that the Trustee in question was physically present.

(C)(1) As provided herein, Trustees who are not physically present may participate in open or closed meetings by means of a video or audio conference.

(2) Such electronic participation may only occur if the Trustee is prevented from physically attending by:

- (a) Personal illness or disability;
- (b) Employment purposes;
- (c) Business of the public body; or
- (d) A family emergency.

(3)(a) If a Trustee wishes to attend a meeting electronically, the Trustee must notify the Village Clerk or his or her designated agent at least 48 hours before the meeting, unless advance notice is impractical. Notification may be in person or in writing, or by phone, email, or facsimile transmission.

(b) The notification shall include a detailed recitation of the particular circumstances why the Trustee cannot attend, and also cite one of the five above-specified categories. Copies of the request shall be provided to all Trustees promptly, but in no event later than the meeting in question.

(D) Upon receipt of notice of intent to participate electronically, the Clerk or her or his designee(s) shall make appropriate arrangements for the Trustee to participate electronically, such as by arranging a speaker phone for the meeting room and obtaining contact information. The equipment shall provide output sufficient for persons attending the meeting, and members of the audience, to hear the Trustee speak, and also shall allow the Trustee to hear other Trustees and any person who addresses the Board of Trustees.

(E) The Board of Trustees allows electronic attendance for qualifying reasons listed in the state's Open Meetings Act, being 5 ILCS 120/1 et seq., as a matter of policy. The audio or video equipment shall be activated at the beginning of the meeting, or at the time requested by the Trustee, so that the Trustee can participate.

(F) If the Trustee who is attending electronically would normally chair the meeting, a President pro tempore who is physically present may be appointed.

(G) When a Trustee attends a meeting electronically, all votes shall be by roll call vote. An electronically attending Trustee must identify himself or herself by name and be recognized by the President before speaking.

(H) An approved request to participate electronically entitle the Trustee involved to attend at the subject meeting and any closed sessions called during that meeting.

(I) The ordinance codified in this subchapter shall apply in a like manner to any subsidiary committee, subcommittee, or other agency of the village that is a "public body" under the state's Open Meetings Act, being 5 ILCS 120/1 et seq.

30.21 Emergency Meeting Procedures to Allow for Electronic Meetings

(A)(1) Any regular or special meetings of the Village Board of Trustees may be conducted at the call of the President or two Board of Trustees members via electronic means including audio or video conference. Such meetings may be held, providing such notice to the public and media as is reasonable under the circumstances, and if possible, providing access to the public and including means for public participation. Notice by email to Trustees shall be effective when

mailed to each Trustee and the Clerk shall utilize such email addresses as are on record for each Trustee by the village or such new address as may be provided by such Trustee. Personal service, calls, and calls leaving voicemails shall also be effective service and effective as of when service is made or calls are made all as may apply. Any such calls shall be made to phone numbers on file with the village as updated by each Trustee or to the last ascertainable phone number for each Trustee. All such meetings shall be considered "emergency meetings" under the law.

(2) During this period of emergency, and actions to require an affirmative vote of a majority of a quorum present, electronically or physically, at the meeting for the passage of any ordinance, resolution or other action. Such meetings shall be subject to the following provisions:

(a) All Village Board members shall be allowed to attend and participate in Board of Trustees meetings by such telephonic, video conferencing, or other electronic means as are made available by the village which allow for real-time participation and, if possible, practicable and feasible, visibility (audio or video) by the public ("electronic means"), as provided herein. Board members may, if permitted by the President, participate in such meeting from the regular meeting location.

(b) ***ELECTRONIC MEANS*** shall include telephone, video, or web-based conferencing means made available by the village that:

1. Allows all Trustees to hear and communicate with each other and the Village Clerk.

2. Where possible, practicable, and feasible, allows the public to hear and view, the meeting, public statements by Trustees discussion and voting through commonly available technological means. Failure to provide for same shall not preclude the Board from continuing the meeting or void any action taken at such meetings.

3. Allows for the public comment where possible and practicable by email and/or other electronic messaging if feasible. Failure to allow for such comment shall not preclude the Board from continuing the meeting or voiding any action taken at such meeting.

(c) During a meeting held pursuant to this section, members of the public shall not be entitled or permitted to be present in the physical location where the meeting occurs.

(d) All votes shall be conducted by a roll call vote that discloses the identity of the person voting and that person's vote.

(e) All electronic meetings conducted pursuant to this section shall be recorded.

(f) Minutes of the meeting shall be taken and promptly prepared for review and approval by the Board of Trustees at the next regular or special meeting.

(g) A quorum may be established by the attendance of Board members through electronic means.

(h) If a Trustee's ability to participate by electronic means is disconnected or delayed, the Board may elect to proceed with the meeting provided a quorum remains present.

(3) *Duration.* This section shall continue until repealed or amended by the Board of Trustees or an order by the Governor ending the suspension of the Open Meeting Act is entered.

(4) *Priority.* To the extent that this ordinance conflicts with the provisions of other village ordinances, such other provisions shall be deemed suspended and the terms and authority of this section shall have priority and shall apply.

Ordinances and Resolutions

30.30 Approval; Veto of Ordinances, Resolutions, and Motions; Override of Veto

(A) All resolutions and motions which create any liability against the village or which provide for the expenditure or appropriation of money and all ordinances passed by the Village Board are subject to the approval of the President. If the President approves of them, he or she shall sign them.

(B) The President may disapprove of any one or more terms appropriated in any ordinance, resolution or motion making an appropriation, and, if so, the remainder shall be effective. However, the President may disapprove entirely of an ordinance, resolution or motion making an appropriation. Those of which he or she disapproves, he or she shall return to the Village Board with his written objections at the next regular meeting of the Village Board occurring not less than 5 days after their passage.

(C) If the President disapproves of an ordinance or specified resolution or motion, the Village Board, upon receipt of the President's written objections, shall reconsider the same, and if, after the reconsideration, of all the Trustees then holding office agree to pass the ordinance, resolution, or motion over the President's veto, then it shall be effective.

30.31 Failure of President to Act on an Ordinance, Resolution, or Motion

If the President fails to return an ordinance or any specified resolution or motion with his written objections by the next regular meeting of the Village Board occurring not less than 5 days after its passage, it shall become effective despite the absence of his signature.

30.32 Record of Ordinances

The Village Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Village Board. Immediately following each ordinance, the Clerk shall make a memorandum of the date of the passage and the publication, where required, of the ordinance. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage and the publication or posting of ordinances.

31. OFFICERS, EMPLOYEES, DEPARTMENTS, AND ORGANIZATIONS

General Provisions

31.01 Requirements for Eligibility for Office

No person shall be eligible for any village office or employment unless he or she is a qualified elector of the village and has resided therein at least 1 year next preceding this election or appointment. However, these requirements shall not apply to those appointive officers who require technical training or knowledge. No person shall be eligible to any office who is a defaulter to the village.

31.02 Bonds of Officers

Before entering upon the duties of their respective offices, all officers, except Trustees, shall execute a bond with security, to be approved by the Village Board. The bond shall be payable to the village in whatever penal sum may be directed by statute or resolution, conditioned upon the faithful performance of the duties of the office and the payment of all money received by the officer, according to law and also the ordinances of the village. These bonds shall be filed with the Village Clerk, except the bond of the Clerk, which shall be filed with the Village Treasurer.

31.03 Records Kept by Officers Open to Inspection

All records kept by any officer of the village shall be open to inspection by the President or any Trustee at all reasonable times, whether or not the records are required to be kept by state statute or ordinance.

31.04 Prevailing Wage Rate for Laborers, Mechanics and Other Workers

(A) To the extent and as required by “An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, village of public body or any political subdivision or by anyone under contract for public works,” approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics, and other workers engaged in construction of public works coming under the jurisdiction of the Village Board is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Champaign County area, as determined by the Department of Labor of the State of Illinois as of June 1, 2014. As required by the Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department’s June determination and apply to any and all public works construction undertaken by the Village Board. The definition of any terms appearing in this section which are also used in the aforesaid Act shall be the same as in the Act.

(B) Nothing herein contained shall be construed to apply the general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the Village Board to the extent required by the aforesaid Act.

(C) The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of the Village Board this determination or any revision of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

Elected Village Officials

31.10 Elected Officials: Term

The elected officers of the village shall consist of the Village President and the Trustees. All the officers shall take office at the first regular meeting in May following receipt of certified election results for the local election authority, and shall serve for a term of 4 years. The duties of the officers are as described in the appropriate sections of this code.

31.11 Payments to Elected Officials

(A) *Trustees.* Each Trustee shall be paid a sum of \$50 for each regular or special Village Board meeting attended by said Trustee during her or his term of office. Each Trustee taking office following the April 2025 election shall be paid a sum of \$75 for each regular or special Village Board meeting attended by said Trustee during her or his term. Compensation shall be paid on the last regular payroll of each month.

(B) *Village Board President.* The Village Board President shall be paid a sum of \$5,000 annually. Following the April 2025 election, the Village Board President shall be paid a sum of \$5,000 annually and \$75 for each regular or special Village Board meeting attended by said

President during her or his term. Compensation shall be paid on the last regular payroll of each month.

Nonelected Village Officials

31.20 Village Clerk

(A) General duties.

(1) It shall be the duty of the Village Clerk to attend the special and stated meetings of the Village Board, and keep full record of its proceedings in the minutes, and to record, in a book to be kept for that purpose, all ordinances which may be passed from time to time by the Village Board, and at the foot of the record of each ordinance so recorded to make a memorandum of the date of the passage and of the publishing or posting of the ordinance.

(2) He or she shall keep and preserve safely all papers pertaining to his or her office, prepare and deliver all licenses, bonds and certificates of sale and redemption, on the receipt of the proper sums of money therefor, countersign all vouchers and deliver the same when called for, taking a receipt for the same.

(3) He or she shall notify all officers appointed by the President, or elected, of their selection. He or she shall exercise a general supervision over all the officers of the Village charged in any manner with the receipt, collection or disbursement of corporate revenues and the collection and return of the revenues into the treasury.

(4) He or she shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind; the custody and control of which is not herein given to any other officer. He or she shall seal and attest all contracts of the village and all licenses, permits and other documents as shall require this formality.

(B) Records. In addition to the record of ordinances and other records which the Clerk is required by statute to keep, he or she shall keep a register of all licenses and permits issued and the payments thereon; a record showing all of the officers and regular employees of the village, and other records as may be required by the Village Board.

(C) Additional duties. The Clerk shall perform the other duties and functions as may be required by statute, by this Code, or by the Village Board.

(D) The Village Clerk shall be paid a sum of \$2,500 annually. Compensation shall be paid on the last regular payroll of each month.

31.21 Village Treasurer

(A) The Village Treasurer shall be appointed by the Village President with the consent of the majority of the Trustees then holding office.

(B) Duties. The Treasurer shall receive all money paid into the village either directly from the person paying or from the hands of other officers or employees as may receive it. He/she shall pay out money only on warrants properly signed in accordance with the provisions of 32.04. He/she shall keep the deposit of the village money only in the designated depositories, and he/she shall keep the money separate and distinct from his/her own money and shall not make private or personal use of any village money.

(B) Records. The Treasurer shall keep the records showing all money received by him/her, showing the source from which it is received and the purpose for which it is paid, and he/she shall keep records at all times showing the financial status of the village and the books and accounts as may be required by statute or ordinance, and he/she shall keep them in the manner

required by the Village Board. He or she shall keep a register of all warrants, bonds or orders filed with him/her or paid by him/her and all vouchers as is required by state statute. These records/accounts shall always be subject to inspection by the Corporate Authorities.

(C) *Monthly report.* At the end of every month, the Treasurer shall render an account to the Village Board showing the state of the Treasury. This monthly financial report shall include statements of moneys received, moneys expended and the balance of money in the Treasury for each fund.

(D) *Annual Treasurer's report.* Each fiscal year, as required by state statute, the Treasurer shall make out and file with the Village Clerk a full and detailed account of all village receipts and expenditures and of all his/her transactions as Treasurer during the preceding fiscal year, and he/she shall show in that account the state of the Treasury at the close of the fiscal year. The Clerk shall publish the account at least once, within 10 days, in 1 or more newspapers with a general circulation within the village.

31.22 Junior Trustees

(A)(1) There is hereby created the unpaid position of Junior Trustee, which shall be filled for a term ending July 1 following the commencement of such term and shall be filled by a local high school student by appointment of the President with consent and approval of the Board of Trustees. The President shall solicit applications and then make the appointment.

(2) The Junior Trustee shall sit with the regular Board of Trustees, receive Board materials (except confidential materials including by not limited to employment matters, litigation, real estate, negotiations, and/or confidential legal communications unless approved by the President), and make non-binding advisory votes on issues before the Board of Trustees.

(3) The Junior Trustee will be invited to attend executive session meetings at the option of the Board of Trustees.

(4) The position of Junior Trustee shall be a position of community service and shall not be paid any remuneration.

(5) The position of Junior Trustee is an honorary position and will be otherwise non-voting and shall not count or be required as part of a quorum for the Board of Trustees.

(B) The position of Junior Trustee shall receive no compensation but will be recognized for participation in community service. There may be as many as two Junior Trustees serving at any given time. The Junior Trustee shall report to the President or a Trustee appointed by the President.

(C) The term of any Junior Trustee will end upon the earlier of July 31 of each year, resignation by the Junior Trustee in writing and signed by the Junior Trustee (without the need for notarization), upon written direction of the President and Board of Trustees, or upon approval by the Board of Trustees, all without cause.

Police Officers

31.30 Employment

The village may employ part-time police officers from time to time as it deems necessary.

31.31 Duties

A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the general orders of the Police Department by its Chief of Police, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the state's Police Training Act (50 ILCS 705/1 et seq.) and the rules and requirements of the ILETSB.

31.32 Hiring Standards

(A) Any person employed as a part-time police officer must meet the following standards:

- (1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties;
- (2) Be at least 21 years of age;
- (3) Pass a medical examination;
- (4) Possess a high school diploma or GED certificate;
- (5) Possess a valid Illinois driver's license;
- (6) Possess no prior felony convictions; and
- (7) Any individual who has served in the U.S. Military must have been honorably discharged.

(B)(1) All police officers, other than those who shall be employed on a full-time basis, shall be considered part-time police officers, and shall be considered to be members of the regular Police Department, except for pensions and other benefits from time to time provided for by the village.

(2) Part-time police officers shall not be assigned to supervise or direct full-time police officers of the Police Department.

(3) Part-time police officers shall be trained under the Intergovernmental Law Enforcement Officers In-Service Training Act, being 50 ILCS 720/1 et seq., as amended in accordance with the procedures for part-time officers established by the state's Law Enforcement's Training Standards Board.

31.33 Discipline

(A) Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the village authorities, shall not have any property rights in said employment, and may be removed by the village authorities at any time. Part-time police officers shall comply with all applicable rules and general orders issued by the Police Department.

(B) If any section, division, clause, phase, or part of this subchapter is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this subchapter, and the application of these provisions to any person or circumstances shall not be affected thereby.

Planning & Zoning Board

31.40 Composition

(A) A Planning & Zoning Board shall consist of seven members appointed by the Village Board to serve respectively for the following terms:

- (1) One for one year;
- (2) Two for two years;
- (3) Two for three years;
- (4) Two for four years.

(B) The successor of each member shall be appointed to serve for a term of four years.

(C) The Village Board may revoke the appointment at any time.

31.41 Organization

(A) One member of the Planning & Zoning Board shall be designated by the Village Board President as Chair or up to two members may be appointed as Co-Chair shall hold office as Chair until his/her/their successor(s) is appointed.

(B) The Planning & Zoning Board may select or appoint such other officers as it seems necessary.

(C) Vacancies upon said Board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member.

31.42 Meetings

The Planning & Zoning Board shall meet at such times as it may by majority vote determine upon as regular meeting dates; or at any time upon call by the Chairperson thereof or by any four members thereof.

31.43 Records

The Planning & Zoning Board shall keep written records of its proceedings which shall be filed with the Village Clerk and open to inspection by the Board of Trustees at all times.

31.44 Compensation

The Planning and Zoning Board members shall be paid \$25 for each meeting they are in attendance.

31.45 Authority

(A) The Planning and Zoning Board shall have the powers and duties designated by 65 Illinois Compiled Statutes 5/11-12-4 through 5/11-12-12, and as more particularly specified in this section. These references related to the planning portion of the combined Plan Commission and Zoning Board of Appeals.

(B) In addition, as to the zoning powers and duties of the combined plan commission and zoning board of appeals, they are to be found in 65 Illinois Compiled Statutes 5/11-13-1 through 5/11-13-20, 5/11-15-1 and 5/11-15.1-1 through 5/11-15.1-5.

31.46 General

The Planning & Zoning Board shall have the following powers and duties:

(A) To prepare and recommend to the Village Board of Trustees a comprehensive plan of public improvements, looking to the present and future development and growth of the Village. Such a plan, after its adoption by the Village Board of Trustees shall include reasonable requirements in reference to streets, alley and public grounds within the corporate limits and in contiguous territory outside of the distant not more than one and one-half (1½) miles from such limits, and not included in any municipality, said requirements to be effective whenever such lands shall be subdivided after the adoption of such plan.

(B) To prepare and recommend to the Village Board of Trustees from time to time, such changes in the plan or any part thereof as may be deemed necessary by the Village Board of Trustees.

(C) To prepare and recommend to the Village Board of Trustees from time to time, plans and/or recommendations for specific improvements in pursuance of the official plan.

(D) To give aid to the officials of the Village charged with the direction of projects for improvements embraced within the official plan, to further the making of such improvements and generally promote the realization of the official plan.

(E) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(F) To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

(G) To exercise such powers germane to the powers granted under authority of an act of the general assembly of the state of Illinois entitled the Illinois municipal code, as may be conferred by the Village Board of Trustees.

31.47 Zoning Duties

(A) The Planning & Zoning Board shall meet at the call of the Chair and at such other times as it may determine. All meetings shall be open to the public. The Planning & Zoning Board shall keep minutes of its proceedings including findings of fact, all its determinations and decisions, the reasons therefor, and the vote of each member upon every question, which minutes shall be filed in the office of the Village Clerk and shall be a public record.

(B) An appeal may be taken to the Planning & Zoning Board by any person, group or organization, public or private, affected by a decision by the Building Inspector. Such appeal shall be taken within 45 days by filing with the Building Inspector and with the Planning & Zoning Board a notice of appeal specifying the grounds thereof. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Planning & Zoning Board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Planning & Zoning Board or by a court of record on application, on notice to the Building Inspector and on due cause shown.

31.48 Powers

(A) The Planning & Zoning Board shall have all the power and duties prescribed by law and by this ordinance, which are more particularly specified as follows:

(1) *Interpretation/Appeals*. Upon appeal from a decision, order, requirement, or determination by the Building Inspector or other administrative official, to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(2) *Variances*. To vary or adapt, subject to the following provisions, the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

(a) No variance in the strict application of any provisions of this Ordinance shall be granted by the Planning & Zoning Board unless it finds:

- 1) That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or building in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building, and
- 2) That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Planning & Zoning Board is the minimum variance that will accomplish this purpose, and
- 3) That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare or in conflict with the General Plan. In granting any variance, the Planning & Zoning Board shall prescribe any conditions that it deems to be necessary or desirable.

(b) All matters specifically referred to it by this Ordinance, statute, or the Village Board of Trustees.

31.49 Procedures

(A) The Planning & Zoning Board shall act in strict accordance with the procedure specified by law and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Planning & Zoning Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special use permit is sought, or the details of the variance sought to be granted, as the case may be.

(B) The Planning & Zoning Board shall fix a reasonable time for the hearing of

the appeal or application and give due notice thereof to the parties and decide the matter within a reasonable time. Hearings on and all proceedings of the Board shall be in conformity with Chapter 65 Section 5/11-13-1, et. seq., of the Illinois Compiled Statutes. All hearings shall be open to the public and any party in interest may appear in person, or by agent or attorney. The Board Chair or Acting Chair shall have the power to administer oaths and shall conduct the meeting.

(C) Every decision of the Planning & Zoning Board shall be by motion or resolution, which shall contain the findings of the Board in the particular case. Each decision shall be filed in the office of the Village Clerk by case number under one or the other of the following headings: Interpretations or Variances, or Special Use Applications, together with all documents pertaining thereto.

(D) The Planning & Zoning Board shall notify the Village Board of each special use permit application with its recommendation and each variance granted under the provisions of this Ordinance.

(E) The concurring vote of four members of the Planning & Zoning Board is necessary to revise any order, requirement, decisions, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is required to pass, or to effect any variation in the Ordinance, or to recommend any variation or modification in the Ordinance to corporate authorities.

(F) The proceedings of the Planning & Zoning Board shall be subject to and in compliance with all applicable state laws and other legal principles. If the provisions of this ordinance conflict with state statute, the statute shall prevail.

(G) To the extent any other Village Ordinance references "Zoning Board of Appeals" or "Planning Commission" such references shall be interpreted to mean the Planning & Zoning Board created under this Ordinance."

32. FINANCE AND REVENUE

General Provisions

32.01 Adoption of Accounting Standards

(A) The village hereby adopts the financial formats and disclosures of Statement Number 34 of the Government Accounting Standards Board (GASB- 34) on a modified cash basis without a management discussion and analysis statement.

(B)(1) All governmental funds shall be accounted for on a modified cash basis.

(2) All enterprise funds shall be accounted for on an accrual basis by an accounting firm.

32.02 NSF Payment Fee

(A) Any payments tendered to the village by an individual paying a fee, utility payment, or other expense due to the village which is returned for insufficient funds shall be charged an NSF fee in the amount of \$25 in addition any other amounts otherwise contemplated and tendered under the check which was returned for insufficient funds.

(B) This fee shall be in addition to any other sums otherwise owed to the village by the payer.

32.03 Annual Appropriation

The Annual Appropriation Ordinance, and any and all amendments thereto, is hereby adopted by reference and incorporated herein as if set out in full.

32.04 Checks and Warrants

All checks and warrants properly authorized to be drawn on the Village Treasurer shall bear the signatures of any 2 of the following: the Village President, the Village Clerk, the Village Treasurer, or any of the Trustees elected or appointed to the Village Board. No such check or warrant shall be valid unless the signatures of such officers appear thereon.

Investment Policy

32.15 Policy and Scope

(A) It is the policy of the village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all state and local statutes governing the investment of public funds.

(B) This policy includes all funds governed by the Board of Trustees.

32.16 Prudence

(A) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

(B) The standard of prudence to be used by investment officials shall be the Prudent Person Standard and shall be applied in the context of managing an overall portfolio.

32.17 Objective

(A) The primary objective, in order of priority, shall be:

- (1) *Legality*. Conformance with federal, state, and other legal requirements;
- (2) *Safety*. Preservation of capital and protection of investment principal;
- (3) *Liquidity*. Maintenance of sufficient liquidity to meet operating requirements; and
- (4) *Yield*. Attainment of market rates of return.

(B) The portfolio should be reviewed periodically as to its effectiveness in meeting the entity's needs for safety, liquidity, rate of return, diversification, and its general performance.

32.18 Delegation of Authority

Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who, under the delegation of the Board of Trustees, shall establish written procedures for the operation of the investment program.

32.19 Ethics and Conflict of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

32.20 Authorized Financial Dealers and Institutions

(A) The Treasurer will maintain a list of financial institutions authorized to provide investment services.

(B) In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness.

32.21 Authorized and Suitable Investments

(A) Investments may be made in any type of security allowed for in state statutes regarding the investment of public funds.

(B) Investments shall be made that reflect the cash flow needs of the fund type being invested.

32.22 Collateralization

Funds on deposit (checking accounts, certificates of deposit, and the like) in excess of FDIC limits must be secured by some form of collateral, witnessed by a written agreement and held at an independent third-party institution in the name of the municipality.

32.23 Safekeeping and Custody

All security transactions, including collateral for repurchase agreements, entered into by the village shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third-party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

32.24 Diversification

The entity shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

32.25 Maximum Maturities

To the extent possible, the village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the village will not directly invest in securities maturing more than one year from the date of purchase. Reserve funds may be invested in securities exceeding two years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

32.26 Internal Control

(A) The Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The

internal control structure shall be designed to provide reasonable assurance that these objectives are met.

(B) The internal controls shall address the following points:

- (1) Control of collusion;
- (2) Separation of transaction authority from accounting;
- (3) Custodial safekeeping; and
- (4) Written confirmation of telephone transactions for investments and wire transfers.

32.27 Performance Standards

This investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio. The benchmark approved for these purposes by the village shall be U.S. Treasury Notes.

32.28 Reporting

The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Board of Trustees and available on request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the Board.

32.29 Marking to Market

A statement of the market value of the portfolio shall be issued to the Board of Trustees quarterly.

32.30 Investment Policy Adoption

The investment policy shall be adopted by the Board of Trustees. The policy shall be reviewed on an annual basis by the Treasurer and any modifications made thereto must be approved by the Board of Trustees.

Taxation

32.45 Sales Tax

(A) *Imposed.* A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in the village at the rate of 1% of the gross receipts from such sales made in the course of such business while the ordinance codified in this subchapter is in effect, in accordance with the provisions of 65 ILCS 5/8-11-1.

(B) *Filing of report.* Every person engaged in a business regulated by division (A) above in the village shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by 35 ILCS 120/3.

(C) *Payment.* At the time the report is provided for in division (B) above is filed, there shall be paid to the State Department of Revenue the amount of tax imposed by this chapter on account of the receipts from sales of tangible personal property during the preceding month.

32.46 Use Tax

(A) *Imposed.* A tax is imposed, in accordance with the provisions of 65 ILCS 5/8-11-6, upon the privilege of using in municipality any item of tangible personal property which is purchased outside the state at retail from a retailer, and which is titled or registered with an agency of state government. The tax shall be at a rate of 1% of the selling price of such tangible property, with **SELLING PRICE** to have the meaning as defined in the Use Tax Act, being 35 ILCS 105/1 et seq., approved July 14, 1955.

(B) *Collection.* The tax provided for in division (A) above shall be collected by the State Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.

32.47 Insurance Premium Tax

Every insurance company or association, other than life, organized or incorporated under the laws for any other state or nation, and every other insurance company, other than life, doing business or writing risks of insurance in the village shall pay into the village treasury, for the benefit of the organized Fire Department, a tax of \$2 on every \$100 of premiums received by the company in the village, as provided by an act of the state's General Assembly, dated April 19, 1899, entitled "An Act for a Tax on Gross Premium Receipts of Insurance Companies and Associations Other than Life."

32.48 Municipal Cannabis Retailers' Occupation Tax

(A) *Tax imposed; rate.*

(1) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the village at the rate of 3% of the gross receipts from these sales made in the course of that business.

(2) The imposition of this tax is in accordance with the provisions of § 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

(B) *Collection of tax by retailers.*

(1) The tax imposed by this section shall be remitted by such retailers to the Illinois Department of Revenue ("Department"). Any tax required to be collected pursuant to or as authorized by this section and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the state. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any state tax that sellers are required to collect.

(2) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this section.

33. EMPLOYEE POLICY MANUAL

General Provisions

33.001 Disclaimers

(A) It is important for the employee to understand that the employee is employed at-will, which means that either the employee or the village may end his or her employment at any time, for any reason, with or without notice and with or without cause.

(B) No one except the President can change the at-will relationship, or make any binding promises regarding the terms of employment, and any such change or promise must be in writing, signed by the Village President, to be effective.

33.002 Changes in Policy

These policies may be amended or changed from time to time as conditions require and deemed appropriate by the Board of Trustees. Changes to this policy require a public meeting prior to adoption as a village ordinance by a vote of the majority of Trustees.

33.003 Collective Bargaining

If the employee is a member of a bargaining unit, parts of this chapter may not be applicable or may be supplemented by additional procedural information found elsewhere. The employee should refer to her or his collective bargaining agreement as it will take precedence over this chapter to the extent of the specific conflict only.

33.004 Organization

- (A) Village President (Police Chief, Village Clerk, Public Works Superintendent).
- (B) Police Chief (full-time and part-time officers).
- (C) Public Works Superintendent (full time and part time maintenance staff).

33.005 State and Federal

- (A) Family Medical Leave Act, being 29 U.S.C. §§ 2611 et seq.;
- (B) Mini-COBRA, being 215 ILCS 5/367e;
- (C) Separability; and
- (D) Police policies.

33.006 Separability

Each rule in this chapter and each section thereof is an independent rule or section. The holding of any court of competent jurisdiction that any rule or section is void, invalid, or ineffective, for any reason, does not affect the validity of any other rule or section.

33.007 Action on Behalf of President

(A) Whenever permitted or required to act under this chapter, the Village President may act through a designee. The President shall appoint any designee by a written order, which shall be signed and dated by the President, shall identify the powers given to the designee, and may identify a specific time frame during which the appointment will be effective. The President may appoint more than one designee with the power to act at the same time, but the same powers may

not be given to more than one designee. The President may revoke the appointment of any designee by a signed and dated written order. An appointment may be revoked even if any time frame specified in the original appointment order has not yet expired.

(B) If the President lacks the physical or mental capacity to perform any act permitted or required by this chapter, any President pro tempore duly appointed by the Board may act on behalf of the President, but only if the President has not appointed a designee with authority to perform that act.

Customer Service

33.020 Purpose

(A) It is the goal of the village to provide quality, reliable, and affordable services, while fostering a small-town atmosphere of friendliness and caring in our community. To these ends, the village's employees must embrace the timeless spirit of public service, while constantly seeking new ways to increase the efficiency of operations. Customer service supports and enhances the relationships employees have with those they serve. Even brief interactions are opportunities for good service.

(B) The hallmark of a great small village is the knowledge people have of one another, and the willingness to use that knowledge to make each other's lives a little easier. Employees of the village operate a nonprofit service organization that is vitally important to those who reside, do business, or visit the village. Each employee has a responsibility to do his or her part to keep the village a special place.

33.021 First Impressions

(A) The following customer service standards have been established as a guide for employees and as a reminder that the spirit in which employees discharge their duties is just as important as the work itself.

(B) Employees should make every first impression a positive one.

(1) First impressions impact every subsequent interaction. Employees should be aware of their body language and tone of voice from the first moment of customer contact.

(2) Employees should use appropriate phone etiquette and state their department and name every time they answer the phone.

(3) Employees should keep in mind that from the customer's perspective, the employee is the village.

(4) Employees should always be aware that some customers may have multiple relationships with various departments and that those relationships don't end even though the interaction is complete.

(5) Employees should create a welcoming atmosphere through their actions and words; even when they must bear bad news, they should do so in a professional, courteous manner.

(6) Employees should never lose sight of the fact that they are here to serve and attend to the needs of their customers, whoever they may be.

33.022 Help and Initiative

(A) Every employee is empowered to help.

(1) Employees should resolve to fully listen to all concerns when approached with a question or issue. If the employee is unable to help, he or she should ensure that the appropriate person provides help. There is very little employees do that cannot be paused to take the time to help someone or steer them in the right direction.

(2) Employees should know their scope of authority and feel comfortable operating within it.

(B) In order to serve the public well, employees must be prepared to do so.

(1) Current information should be maintained on the phone system, internet, and in printed materials.

(2) Common questions should be anticipated and appropriate materials should be made readily available.

(3) It is the responsibility of every employee to understand their department's procedures so that every customer can be assisted promptly.

33.023 Pride

(A) Employees should always display a high level of professionalism to fulfill their roles in the maintenance of the village's good reputation.

(B) Negativity is contagious; employees should strive to remain positive in all situations.

(C) Employees should ensure that their words and actions are supportive of all village departments in every interaction, whether internal or external. Employees are all on the same team.

(D) Employees should be open to give and receive constructive feedback as a means to continually improve the organization.

33.024 Flexibility

(A) Employees should be open-minded and willing to change current practices to improve service delivery.

(B) Employees should recognize that the best solution is not always the quickest or easiest.

(C) Employees should strive to recognize when a unique situation requires normal procedures to be modified within the village's ability to do so.

(D) Employees should respond appropriately when dealing with those who may require additional services due to language differences or physical limitations.

33.025 Conflict Resolution

Conflict resolution is everyone's responsibility.

(A) Employees should never be the one to terminate a discussion or meeting without agreement, unless someone is being abusive.

(B) Employees should always try to instill calm before attempting to provide a resolution to a situation.

33.026 Empathy

Empathy is always the best policy.

(A) Employees should always try to put themselves in the place of the person the employee is working with and make their best effort to fully understand the request or comment.

(B) Employees should seek to understand the needs of the person before seeking to be understood.

(C) While employees cannot always do what every customer wants, they can always treat them with fairness and respect.

33.027 Timeliness

People deserve a timely response to their inquiries.

(A) As long as it can be done safely and practically, an immediate response to people's inquiries is always the ideal.

(B) As a service organization, the village must strive to always be aware of other peoples' schedules and be willing to accommodate them whenever possible.

(C) When an immediate response is not possible, employees should always provide a realistic expectation of when a follow-up response from a person knowledgeable of their situation can be expected.

(D) Voicemails and emails should be responded to on the same day they were received whenever possible. If an employee can't provide an answer immediately, she or he should at least tell the person quickly that the employee is working on a solution to his or her question.

33.028 Follow-Up

(A) Employees should always follow up to make sure the customer's situation is resolved.

(1) When appropriate, employees should send follow-up letters (or emails, if that was the format of their request) to customers, with questions about how their experience with the village could have been better.

(2) Before ending any interaction, employees should always be sure that all of a customer's needs have been discussed and ensure that all avenues that the village can realistically provide to resolve the situation at hand have been addressed.

(B) When appropriate, employees should offer suggestions to their supervisors as to how similar problems could be avoided in the future.

Terms of Employment

33.040 Hiring Authority

The President has the authority to hire or appoint all positions in the village, including Police Chief and Public Works Supervisor, unless otherwise established by statute or ordinance. All recruitment and hiring processes will follow the steps outlined in 33.052. The Village Clerk, Police Chief, Public Works Supervisor, and Treasurer are appointed with the advice and consent of the Board.

33.041 Place of Work

The nature of municipal work sometimes extends the definition of "workplace" beyond the facilities owned by the village. For administrative staff, this may include trips to the bank or the post office. For public works employees, this is extended to the corporate limits of the village. Due to the nature of police work, they may have occasions when they need to travel beyond the village limits (i.e., transporting arrestees). The **PLACE OF WORK** for police will be determined

as appropriate by the Chief. For all other non-emergency situations, employees are not authorized to travel beyond the village limits without prior supervisor approval.

33.042 Equal Employment Opportunity

The village maintains a policy of nondiscrimination with employees and applicants for employment. Under federal, state, and local law, no aspect of employment with the village will be influenced in any manner by race, color, religion, sex, age, national origin, physical or mental disability, or any other basis prohibited by law.

33.043 Employment At-Will

With exceptions set forth in statutes and ordinances of the village, including the collective bargaining agreement, all employees are considered to be employees at-will. Village employees may resign from their employment at any time, for any reason. Likewise, the village may terminate the employment relationship of such employees, at any time, with or without cause. Neither the policies contained in this chapter, nor any other written or verbal communications by a supervisor are intended to change the at-will relationship or create a contract of employment.

33.044 Residency Requirement

Currently, the village does not have any residency requirement for employees, unless otherwise stated in a job description.

33.045 Job Classification

(A) *Full-time employees.* Individuals who are regularly scheduled to work no less than 40 hours per week. Full-time employees receive all benefits provided by these policies, upon successful completion of the initial review period. Bargaining unit members may have different benefits than other employees. If the employee is a member of a bargaining unit, he or she should refer to his or her Bargaining unit agreement for the latest information.

(B) *Part-time employees.* Individuals who are regularly scheduled to work less than 1,000 hours per year are deemed to be part-time employees. Part-time employees are not eligible for benefits described in the manual, except where noted or to the extent required by state or federal law.

(C) *Temporary and seasonal employees.* Individuals who are hired for specific periods of time or for the completion of a specific project are deemed temporary or seasonal employees. Seasonal employees are considered to be temporary employees. Temporary employees are limited to work less than 1,000 hours per year and are not eligible for benefits described in this manual, except to the extent required by state or federal law.

(D) *Elected and appointed officials.* Elected and appointed officials are not eligible for benefits described in the manual except where noted or to the extent required by state or federal law.

33.046 Exempt and Non-Exempt Employees

- (A) Exempt employees, those on salary, are not entitled to overtime pay under the Fair Labor Standards Act. Those are employees with management or professional duties who earn a specified minimum salary per year.
- (B) Non-exempt or hourly employees are entitled to be paid one and one-half times their regular hourly wage for hours worked over 40 hours per week.
- (C) Time off of work for any reason is not counted as hours worked for purposes of computing overtime.
- (D) Employees will be advised of their status as either hourly or salary at the time of hire.
- (E) Separate rules for overtime pay may apply to the Police Department.

33.047 Initial Six-Month Review Period

- (A) Unless otherwise stated in the job description approved by the President, both new employees and existing employees in new positions will be more closely monitored and reviewed during the first six months of employment. This six-month period is an opportunity for both the village and the employee to determine if the job is right for the employee. Performance evaluations will generally be done during this time period.
- (B) A decision will be made by the village at the end of the six-month review period regarding whether the employment relationship will be continued. The initial six-month review period may be extended an additional six months by mutual agreement between the village and the employee.

33.048 Reasonable Accommodations

- (A) The village is committed to ensuring that no otherwise qualified person with a disability is excluded from participating in, be denied the benefits of, or be subjected to discrimination in the context of his or her employment with the village. Consequently, the village will make reasonable accommodations to individuals that do not impose undue hardships on the village.
- (B) With regard to an employee's religious observances, practices, and beliefs, of which the village is aware, the village will make reasonable accommodations that do not impose an undue hardship on the village.
- (C) Employees who believe that they need a reasonable accommodation of some kind because of a disability or a religious observance should submit a written request to their immediate supervisor. The village cannot make a reasonable accommodation unless it knows that the employee needs one.

33.049 Background Investigation and Reference Checks

Prior to being hired, all applicants must consent to a background investigation. Background verification is performed prior to any job offer. Employment is contingent on its successful completion. Employees who do not successfully complete the background verification may be terminated or the conditional offer of employment may be withdrawn.

33.050 Medical Screening

The physical nature of some positions in the village will require physical examination and medical testing, at village expense, after a conditional offer of employment has been made. Employment for these positions is contingent on its successful completion. If the physical

examination reveals an inability to complete essential functions of the position, the village will consider providing reasonable accommodations to allow the individual the opportunity to fill the position.

33.051 Pre-Employment Drug Testing

Any village position will require drug screening at village expense.

33.052 Recruitment and Selection

(A)(1) The village recruits candidates as broadly as possible (i.e., both externally and internally), for all vacant positions, except as otherwise provided for by state statutes and in compliance/agreement with 33.040. The village is committed to the principle of recruiting and selecting employees on the basis of demonstrated and potential ability to perform the functions of the position available and in accordance with the village's policy of equal employment opportunity.

(2) Applicants for certain village positions may be subject to specific testing or certifications as determined by the respective department.

(B) The following steps should be taken in the selection and recruitment process for all positions/departments:

- (1) The President or staff identifies an open position;
- (2) An updated job position and advertisement is prepared;
- (3) A job description, proposed budget, and salary range is provided to the Board for approval;
- (4) The President approves the hiring action;
- (5) The President selects two Trustees to advise the Board regarding applicants. In the case of a Police Department hire, the two Trustees will work with the Police Chief to identify qualified candidates;
- (6) Application forms are provided by staff to applicants during recruiting period;
- (7) The two Trustees will be provided with completed applications;
- (8) The two Trustees review and approve a short list of qualified applicants for interviews and background checks and select two applicants to be interviewed in closed session by the entire Board;
- (9) The Board makes a recommendation on a suitable candidate to the President; and
- (10) The President may agree or disagree with recommendation and then negotiates the salary and makes the hiring commitment.

Sexual Harassment

33.065 Policy

Language in the village ordinances notwithstanding, all prior existing sexual harassment policies and/or provisions shall be superseded by this subchapter.

33.066 Prohibition on Sexual Harassment

(A) It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of

1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations.

(B) It is a policy of the village to prohibit harassment of any person by any municipal officials, municipal agents, municipal employees, and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

33.067 Definitions

(A) This policy adopts the definition of sexual harassment as stated in the state's Human Rights Act, being 775 ILCS 5/1-101 et seq., which currently defines ***SEXUAL HARASSMENT*** as:

(1) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(2) Conduct which may constitute sexual harassment includes:

(a) *Verbal*. Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy, or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature;

(b) *Non-verbal*. Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, catcalls, or smacking or kissing noises;

(c) *Visual*. Posters, signs, pin-ups, or slogans of a sexual nature, viewing pornographic material or websites;

(d) *Physical*. Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault; and

(e) *Textual/electronic*. Sexting (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking, and threats via all forms of electronic communication (email, text/picture/video messages, internet/on-line postings, blogs, instant messages, and social network websites like Facebook and Twitter).

(B) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a reasonable person.

33.068 Procedure for Reporting

(A)(1) An employee who either observes sexual harassment or believes himself or herself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his or her position to the offending employee, and his or her immediate supervisor.

(2) It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following.

(1) *Electronic/direct communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his or her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

(2) *Contact with supervisory personnel.*

(a) At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a Director of Human Resources, an Ethics Officer, the Village Manager or Administrator, or the Chief Executive Officer of the municipality.

(b) The employee experiencing what she or he believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

(3) *Resolution outside municipality.*

(a) The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities.

(b) An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time, and the place), including, but not limited to, written records such as letters, notes, memos, and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges, the difficulties associated with their investigation, and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

33.069 Prohibition on Retaliation for Reporting

(A) No municipal official, municipal agency, municipal employee, or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

(1) Disclosure or threatened disclosure of any violation of this policy;

(2) The provision of information related to or testimony before any public body conducting an investigation, hearing, or inquiry into any violation of this subchapter; or

(3) Assistance or participation in a proceeding to enforce the provisions of this policy.

(B) For the purposes of this subchapter, **RETALIATORY ACTION** means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the state's Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, state agency, or other state employee that the state employee reasonably believes is in violation of a law, rule, or regulation;

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, state agency, or other state employee; or

(3) Assists or participates in a proceeding to enforce the provisions of the state's Officials and Employees Ethics Act.

(E) Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

(F) According to the state's Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people, to conspire, to retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be sexual harassment in employment, because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the state's Human Rights Act.

(G) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

33.070 Consequences of Sexual Harassment

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks, and/or collective bargaining agreement, any person who violates this chapter or the prohibition on sexual harassment contained in 5 ILCS 430/5-65 may be subject to a fine of up to \$5,000 per offense, applicable discipline, or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, state law, or federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

33.071 Consequences for Knowingly Making a False Report

(A) A **FALSE REPORT** is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a

severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks, and/or collective bargaining agreements.

(B)(1) In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act, being 5 ILCS 430/1-1 et seq. to an ethics commission, an inspector general, the state police, a State Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor.

(2) An Ethics Commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation.

Compensation and Benefits

33.085 Compensation Plan

(A) The Board is committed to paying competitive wages to its employees based on the skill required for the position, the experience, and/or longevity of the individual employee with regard to the position, and ongoing performance of the employee in the assigned position.

(B)(1) Over the course of employment with the village, an employee may receive periodic increases in wages based on merit (i.e., performance equal to or exceeding expectations) and based on seniority.

(2) All raises must be approved by the Village Board.

(C) Under unusual circumstances, an employee may have her or his wages reduced. This reduction can occur because of a reassignment to the employee, a restructuring of the position, or exceedingly poor performance during an individual evaluation period.

(D) It is anticipated that employee evaluations will be completed every March. Performance bonuses or adjustments to wages may take place following their evaluation. Raises will take effect on May 1, the beginning of the village's fiscal year.

33.086 Benefits Eligibility

Only full-time employees are eligible for employee benefits listed in this chapter unless otherwise noted. Some benefits may be added or changed during open seasons. Employees should see the administrative staff for more information.

33.087 Payroll Deductions

(A) There are two categories of payroll deductions:

- (1) Those required by state and federal law; and
- (2) Those authorized by the employee.

(B) Payroll deductions required by state and federal law include federal withholding, income tax, social security tax, and wage garnishments as required by law (e.g., child support payments, court-ordered payments, IRS garnishments).

(C) If authorized in writing by an eligible employee, the village will also make additional deductions for health insurance and other purposes that are for his or her benefit. These include payments into savings funds; retirement contributions; union dues; and voluntary contributions to charities. Arrangement for these voluntary deductions may be made with the administrative staff.

33.088 Social Security (FICA)

Social security is a payroll deduction representing an employee's contribution to the federal government's social security program. The village also contributes money on behalf of the employee to the program (with the exception of elected and appointed officials).

33.089 Workers' Compensation Insurance

The village pays a premium for workers' compensation insurance for all employees. This insurance protects employees from a loss of income and pays medical expenses, resulting from a workplace accident or injury. Employees are required to report all work-related injuries to their supervisors immediately.

33.090 State Unemployment Insurance

If an employee is separated from the village under no-fault circumstances such as a layoff, she or he may be eligible for unemployment benefits pursuant to state statute and regulations.

33.091 Health Coverage

Village provides for full time employees on an annual basis based on funding available for the village. No additional compensation will be paid to any employee who refuses health insurance coverage. Insurance for family members can be deducted from the employee's paycheck as can other insurance. Questions about benefits may be directed to the President or his or her designee.

33.092 Continuation of Group Health Insurance

(A)(1) The continuation coverage mandated by the federal law commonly known as COBRA does not apply because the village does not have 20 or more employees. However, the state currently has what is known as a Mini-COBRA Law, which allows health insurance benefits to be continued for up to 12 months after the termination of employment or after an employee suffers a reduction in hours resulting in a loss of coverage under the group health plan. The premium for continuation coverage must be paid by the employee, but it may not exceed the group rate.

(2) To be eligible, the employee must have been continuously covered under the group health plan for three months. Continuation coverage is also available for spouses and dependents who have been continuously covered under the group health plan for three months.

(B) In addition, the state has a Spousal Law and a Dependent Child Law, which allow health insurance benefits to be continued for spouses and/or dependent children following a qualifying event, which may be the retirement, death, or divorce of an employee, or which may be the age at which coverage is no longer provided for a dependent under the group health plan. In these situations, written notice of the qualifying event and a request for continuation coverage should be given to the village within 30 days of the event. The village will forward the written notice to the group health insurance company.

33.093 Retirement IMRF

All full-time employees participate in the Illinois Municipal Retirement Fund (IMRF). Employees' mandatory contribution of 4.5% from their gross pay will be deducted from their paychecks. Employees do have the option to take an additional deduction up to 10%, in addition to the 4.5%. To be fully vested, employees must be employed with the village for eight or ten years, depending on the IMRF tier the employee is enrolled in. This is not an optional deduction.

Compensatory Time Off

33.105 General

Compensatory time off is for full-time employees subject to the Fair Labor Standards Act.

33.106 Introduction

(A) Eligible employees who record more than 40 hours of hours worked in a work week may be compensated for the overtime in one of two ways:

- (1) Overtime pay; or
- (2) Compensatory time off.

(B) It is the expectation that employees will be paid for time worked more than 40 hours per week unless management decides to allow compensatory time off based upon budgetary constraints and/or operational needs of the department. As of the effective date of this chapter, employees may elect to receive compensatory time off as described in this chapter.

33.107 Eligibility

All permanent employees employed on a full-time basis by the village are eligible. Part-time employees, seasonal employees, and temporary employees shall not be covered under this policy.

33.108 Coverage

(A)(1) Employees earn time-and-one-half for all hours worked in excess of 40 hours in a work week. An employee must actually work over 40 hours to earn overtime compensation or compensatory time off.

(2) Paid time that is not considered work time (i.e., leave or paid time off) does not count as time worked for the purpose of determining employee eligibility for overtime or compensatory time off.

(B) Working more than eight hours in a work day does not constitute overtime or require compensatory time off. The additional accrual occurs only after working more than 40 hours in a work week.

33.109 Overview

(A) Management reserves the right to determine whether compensatory time off may be earned in lieu of overtime pay based upon the operational needs of the department or the village.

(B) Compensatory time off is paid time off equal to one and one-half times the amount of time worked in excess of 40 hours in a work week. For example: an employee who works 44 hours in

a work week would receive the 40 hours of pay and accrue six hours of compensatory time off (four hours per one and one-half).

(C)(1) When an employee plans to take compensatory time off, such compensatory time off must be scheduled in advance and approved by the supervisor. Every effort should be made to accommodate the preference of the employee when scheduling compensatory time off unless the requested compensatory time off will unduly disrupt the department's operations.

(2) Compensatory time off may be used for any purpose, but must be used prior to the use of vacation leave.

33.110 Amounts

The maximum amount of compensatory time off an employee may carry at any time is 40 hours. Any overtime in excess of the 40-hour maximum cannot be considered compensatory time off; instead, the overtime must be paid in the employee's next paycheck.

33.111 Payouts and Transfers

Compensatory time off may be carried over to the next fiscal year. Compensatory time off must be used prior to using vacation leave or prior to the employee going on leave without pay.

Timekeeping and Leave Policies

33.125 Work Hours

The normal work schedule is as follows:

(A) Office staff; 7:00 a.m. through 5:00 p.m., Monday through Friday, with a one-hour lunch break.

(B) Public Works; 7:00 a.m. through 4:00 p.m., Monday through Friday, with a one-hour lunch break.

(C) Police, Administration; 8:00 a.m. through 4:30 p.m., Monday through Friday, with a half-hour lunch break.

(D) Police Officers; eight to ten hours shifts scheduled by the Police Chief.

33.126 Time Records

It is important that employees' time be accurately reported. Employees will be required to complete time sheets and may be required to punch a time clock. If a time clock is in use, employees may not punch in more than seven minutes prior to their start time or seven minutes after their end time. Employees who violate this provision are subject to discipline. No one is authorized to punch a time clock for another employee. The employee is responsible for the accuracy of the time records. Falsification of time records could lead to disciplinary action, up to and including termination from employment. If an employee finds errors in the records, the employee is required to notify his or her supervisor.

33.127 Breaks and Meal Periods

(A) Employees are entitled to a 15-minute break for every four hours in her or his work schedule. Each break must be separated by a meal period and the time may not be taken at the beginning or end of a shift or meal period. The time is not cumulative.

(B) All full-time employees must take a one-hour lunch break each day. If a time clock is in use, the employee must punch out and punch in. Lunch periods will be scheduled with a supervisor and variances in the lunch period must be approved in writing.

(C) Breaks and meal periods for employees subject to a collective bargaining agreement are determined by agreement.

(D) Employees may take Village vehicles or equipment home or to a business to obtain food and/or beverages during breaks/meal periods.

33.128 Pay Periods

All employees are paid on a bi-weekly basis. The work week ends on Tuesdays at midnight. Paychecks are distributed every other Friday.

33.129 Overtime Compensation

(A) From time to time, it may be necessary for an employee to perform overtime work. When possible, the President must approve all overtime in advance. Except in the event of an emergency, the village will attempt to provide you with advance notice of the necessity for overtime work.

(B) Most non-exempt employees are entitled to be paid one and one-half times their regular hourly rate of pay for all time worked in excess of 40 hours per week. Sick days, holidays, vacation time, and other time off benefits will be counted as time worked for purposes of overtime.

(C) Employees who usually work outside of normal business hours, including nights and weekends, are entitled to be paid one and one-half times their regular hourly rate of pay for all time worked in excess of 40 hours per week, no matter if time worked was outside of business hours.

33.130 After-Duty Emergency Call Out/Board Meetings

The Village President must approve prior to the occurrence except for police emergencies. The minimum employee compensation will be two hours upon arrival at village facilities.

33.131 Attendance and Tardiness

(A) Absence or tardiness places an extra burden on coworkers and undermines the efficient operations of the village. Good attendance is expected of every employee. It is each employee's responsibility to be on the job, on time each day, and fully able and ready for work. Employees are expected to arrive at work on time, to return from rest breaks and lunch breaks on time, and to work until the shift is complete.

(B) With the exception of emergency situations, absences from work due to illness or injury must be reported to the employee's supervisor within a minimum of three hours prior to the employee's assigned work shift. In the absence of an employee's supervisor, notice should be given to his or her designee or the Police Chief. Employees are required to notify their supervisor at least three hours before each day of a continuing absence, unless the requested leave is

established by a medical professional. Failure to follow these policies will result in discipline. An absence of three consecutive days without notification is considered a resignation.

(C) Absence of more than three consecutive days due to illness or injury requires a written statement from a medical professional explaining the absence. The village may also require a statement from a medical professional whenever absences are excessive. In addition, the village may require the employee to submit to a physical examination by a medical professional selected by the village at the village's expense at any time illness or injury is interfering with the employee's productivity.

33.132 Sick Leave

(A) Sick leave is a benefit and not a right for the employee to use at her or his discretion. Accumulated sick leave is an employee's assurance of a regular continuing income in the event of their personal illness or physical incapacity, exposure to a contagious disease that would endanger the health of other employees or our customers, personal illness within his or her immediate family, disability resulting from pregnancy, childbirth, or other medical conditions, enforced quarantine in accordance with community health regulations, or appointment with a licensed medical doctor, dentist, or other health practitioner.

(B) Full-time employees accrue sick leave at the rate of two and one-half hours per pay period. Leave may be accrued up to 360 hours. Accrued leave may not be used or paid to the employee upon separation of employment.

(C) Employees accruing more than 360 hours may have the excess hours recorded in a bank which may be used to extend service time for purpose of IMRF retirement.

33.133 Vacation Leave

(A) Full-time employees are entitled to vacation leave based upon length of service and anniversary date. If there is a break in service, eligibility for vacation will be based on the employee's current hire date.

(B) Vacations must be schedule with, and approved by, the employee's supervisor at least two weeks prior to the commencement of the leave time. While his or her supervisor will make every effort to accommodate his or her leave request, work priorities and conflicting leave schedules may prevent approval of his or her request.

(C)(1) The purpose of vacation leave is to provide employees with a time to rest and relax. Employees therefore are expected to take vacation leave during the year the leave was earned. Vacation time shall be accrued monthly rather than a lump sum on the employee's anniversary. For example; if an employee earns 40 hours of vacation a year, 3.33 hours will be earned per month. Maximum accrual of vacation shall not exceed two times the employee's annual accrual. No additional pay will be granted for vacation earned beyond the maximum accrual. Employees will be paid accrued, unused vacation pay upon termination.

(2) Vacation leave is accrued based on the date the employee was hired and the following schedule:

- (a) After completion of 1 year; 40 hours
- (b) After completion of 2 years; 80 hours
- (c) After completion of 5 years; 120 hours
- (d) After completion of 12 years; 160 hours

33.134 Personal Day

- (A) Full-time employees are entitled to 16 hours of personal leave per year. This leave must be used within 12 months of when the leave was earned.
- (B) Personal leave time may be taken in one- hour increments.

33.135 Paid Time Off

- (A) Part-time and seasonal employees are entitled to paid time off.
- (B) Employees will accrue 1 hour for every 40 hours worked, with a maximum of 40 hours of leave accrued in a twelve-month period.
- (C) Employees may carry over unused leave from year to year up to 40 hours.
- (D) Leave must be taken in increments of 2 hours or more.

33.136 Training and Travel

From time to time, employees may either request or be required to attend workshops, institutes, or short-term courses. If the employee is granted advanced approval for attending these courses, he or she will continue to receive regular pay. Reimbursement for travel and lodging may also be paid by the village. For sessions of more than one consecutive day, work time will be considered only during those hours within the employee's normal work hours.

33.137 Bereavement Leave

- (A) Leave must be taken as a block of time when the family member relationship qualifies for more than one day of leave.
- (B) Leave must be taken in full day increments.
- (C) Leave must be taken within 60 days after the employee receives notice of the death.
- (D) Five days of leave in the event of death of immediate family members as listed:
 - (1) Father, mother, brother, sister, spouse, domestic partner, civil union partner, children, grandparents, grandchild.
 - (2) Step-parents, step-brothers, step-sisters, step-children, step-grandparents.
 - (3) Father-in law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother-in-law, grandfather-in-law.
 - (4) A member of the employee's household.
- (E) One day for a relative other than the above who is not a member of the employee's household (i.e. aunt, uncle, cousin, niece, or nephew).
- (F) One day for an ex-spouse to which the employee shared children.
- (G) Additional accrued leave of any type may be used with supervisor approval.

33.138 Inclement Weather

- (A) The village is always open for business, regardless of weather conditions, unless otherwise determined by the President. Weather conditions may prevent employees from getting to work or cause them to arrive late. Employees are expected to make every reasonable effort to report to work during inclement weather.
- (B) When severe weather conditions exist, it is the responsibility of each employee to contact her or his supervisor before the start of the shift if they are unable to report to work on time. For hourly employees, work time missed due to inclement weather is unpaid time. However, employees may request to use vacation or personal leave time.

33.139 Holidays

(A) The following are the recognized holidays for employees:

- (1) New Year's Day; January 1
- (2) President's Day; Third Monday in February
- (3) Memorial Day; Last Monday in May
- (4) Independence Day; July 4
- (5) Labor Day; First Monday in September
- (6) Columbus Day; Second Monday in October
- (7) Veteran's Day; November 11
- (8) Thanksgiving; Fourth Thursday and Friday in November
- (9) Christmas; December 24 and 25

(B) Full-time employees will be paid for observed holidays if they fall on a regular work day. To be eligible to receive pay, the employee must not have been absent without leave either on the workday before or after the holiday. Employees who are required to work on the holiday will be granted a paid substitute day.

33.140 Leaves of Absence

(A) Full-time employees may apply for an unpaid, discretionary leave of absence for up to six months if they have exhausted their annual leave (or sick leave if appropriate). All leave of absence requests must be approved by the President with requests exceeding 80 hours requiring the additional approval of the Board.

(B) Discretionary leave of absence will be unpaid, and the employee is not entitled to accrue any benefits, including vacation, sick leave, holidays, and personal days. Participation in medical coverage must be paid entirely by the employee during the discretionary leave.

33.141 Worker's Compensation

If a village employee sustains an accidental injury arising out of and in the course of his or her employment, the employee should immediately notify his or her supervisor. The village maintains insurance to cover its obligation under the state's Worker's Compensation Act, being 820 ILCS 305/1 et seq.

33.142 Military Leave

The village will comply with all federal and state laws governing military leave and employees' rights pertaining to military service. Upon receiving orders, employees should provide a copy to their supervisors.

33.143 Jury Duty or Court Appearance

Upon notification to serve on jury or witness duty, an employee shall submit a copy of the summons to her or his supervisor. Jury duty will be treated as an authorized absence from work and the employee will continue to receive her or his regular base wage while performing jury services. An employee who is subpoenaed or otherwise required to appear for issues directly

related to their employment by the village will also receive all regular pay and benefits, whether she or he is on duty or off duty. The employee may keep any pay from the court.

33.144 Service Call-Outs

In the event an off-duty non-bargaining unit employee is called out on an emergency service call, that employee shall be paid a minimum of two hours paid at the equivalent of 1.5 times the regular hourly rate of pay.

33.145 Parental Leave

Eligible employees can have up to twelve (12) weeks of paid leave following the birth of a child or the initial placement of a child under age 18 in a legal adoption. The time may be split up over the course of 1 year. This is automatically counted towards the 12-week family and medical leave entitlement for eligible employees.

Workplace Policies

33.155 Personnel Records

(A) The village maintains an official personnel file for each employee and each applicant for employment. A change of personal status may have an important effect upon employee benefits. Therefore, an employee should notify the administrative staff of any changes in the following:

- (1) Legal name;
- (2) Home address or telephone number;
- (3) Marital status: name of spouse, date of birth (date of marriage/divorce if after date of hire);
- (4) Number, names, and date(s) of birth of dependents, only if the employee is seeking health insurance coverage for named dependents;
- (5) Name, address, and telephone number of the person to be notified in case of emergency;
- (6) Change of beneficiary;
- (7) Military or draft status; and
- (8) Exemptions of the W-4 tax form.

(B) An employee may inspect his or her own personnel file twice a year. An employee wishing to inspect his or her personnel file should take the following steps:

- (1) Make a dated written request to the administrative staff for review and approval by the President;
- (2) Inspection will be allowed during normal working hours, unless other arrangements are approved by the President; and
- (3) The file must be reviewed under the supervision of the President or her or his designee. No employee may remove her or his personnel file from the office or personally make copies. Copies of personnel records may be made for the employee by a request to the President or her or his designee. However, a reasonable charge for copying may be required.

(4) Copies of personnel records may be made for the employee by a request to the President or her or his designee. However, a reasonable charge for copying may be required.

(C) The right of an employee (or the employee's designated representative) to inspect her or his personnel records does not apply to:

- (1) Letters of reference for that employee;

(2) Any portion of a test document, except that the employee may see a cumulative total test score for an entire test document;

(3) Information of a personal nature about a person other than the employee if disclosure of the information would constitute an unwarranted invasion of the other person's privacy;

(4) Records relevant to any pending claim between the village and employee which may be discovered in a judicial proceeding; and

(5) Investigatory or security records maintained by the village to investigate criminal conduct by an employee or other activity by the employee which could reasonably be expected to harm the village's property, operations, or business or could, by the employee's activity, cause the village financial liability, unless and until the village takes adverse personnel action based on information in such records.

(D) If an employee disagrees with the information found in his or her file, removal or correction of the information may be agreed upon by his or her supervisor, the President, and the employee. If an agreement cannot be reached regarding the removal or correction of the employee's file(s), the employee will be permitted to submit a written statement explaining his or her position. The statement will become a permanent part of the employee's personnel file and must accompany a transmittal or disclosure from that file to anyone else who is legally allowed to inspect the file.

(E) Employee personnel files and their contents are confidential and will not be made available to anyone, other than the employee, without written approval by the President. Any request for inspection of personnel files by a designated representative must be signed by the employee.

33.156 Reimbursable Expenses

(A) *General.* With prior approval by an employee's supervisor, legitimate expenses will be reimbursed by the village. The employee must submit receipts in order to reimburse the employee. Reimbursement may be in the form of petty cash or a check.

(B) *Interpretation.* This section shall be interpreted to be consistent with the Local Government Travel Expense Control Act, 50 ILCS 150.

(C) *Definitions.* For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

ENTERTAINMENT. This includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

TRAVEL EXPENSE. Any expenditure directly incident to official travel by employees and officers of the village or direct payment to private agencies providing transportation or related services.

(D) *Official business requiring expenses.* Travel, meal, and lodging expenses will only be allowed for official business of the village which is necessary to the functioning or improvement of the village. Official business includes: education conferences related to the duties of the employee or officer of the village; site visits to current or potential vendors of the village; or out-of-town meetings related to the official duties of the employee or officer of the village.

(E) *Entertainment expenses.* No entertainment expenses incurred by any employee or official may be reimbursed.

(F) *Maximum allowable reimbursement.* Unless otherwise excepted herein, the maximum allowable reimbursement for an employee or officer of the village shall be those rates set by the

Federal Travel Regulation and maintained by the U.S. General Services Administration for travel per diem, meals, lodging, and incidental expense in effect at the time the expense was incurred.

(G) *Approval of expenses.* The Board of Trustees must approve the following reimbursements for travel expense, including meals, transportation, and/or lodging by a roll call vote at an open meeting of the Board of Trustees:

(1) Any expense of any officer or employee that exceeds the maximum permitted under division (E) above;

(2) Any expense of any member of the corporate authorities of the village;

(3) The cost of travel including the allowable automobile expenses allowed by the IRS for business travel, rental car, airplane, ride share, cab, private car, train, and/or bus. In the event that there is a choice of class, only coach or economy class or similar shall be approved. Any upgrades to the equivalent of first and/or business class may only be done at the additional expense of the traveler;

(4) The cost of lodging which shall be reasonable and customary for the location and time of the area where the traveler is staying;

(5) The customary cost of conference fees, class fees, supplies, books, software, and computer materials for educational purposes is allowed; or

(6) The Board President or her or his designee shall be authorized to approve such travel without preapproval of the Board so long as the total cost of reimbursement is less than \$500.

(H) *Documentation of expenses.* Before any reimbursement for travel, meals, or lodging may be approved pursuant to divisions (E) and (F) above, a standardized form for submission of such expenses shall first be submitted to the Board of Trustees. This form shall include, at a minimum, the name and title of the requestor, a cost estimate of expenses not yet incurred or a receipt if expenses have been incurred, and the date or dates and the nature of the official business wherein the expenses were or will be incurred.

33.157 Health and Safety; Ergonomics

(A) Employees shall communicate ergonomic and health and safety issues to their supervisors in writing. The employee and the supervisor shall meet to review and discuss the information provided by the employee. Employees are to be generally aware of OSHA regulations regarding their place of work and duties.

(B) Reporting a suspected OSHA violation in good faith will not result in discipline. Conscious disregard for OSHA regulations will result in discipline.

33.158 Alcohol and Drugs

Employees are prohibited from reporting to work while under the influence of alcohol, cannabis, or any controlled substance (not prescribed by a doctor) and are further prohibited from possessing or distributing such substances on village property including vehicles. To the extent permitted by law, the village reserves the right to require appropriate testing for alcohol or illicit substances whenever there is sufficient reason to believe that the employee is under the influence of those substances, not limited to but including all accidents during working hours. Refusal to undergo testing may jeopardize employment. Positive results on drug tests also may result in termination of employment.

33.159 Smoking Ban

Smoking of cigarettes and other tobacco products is not allowed on village property with the exception of personal vehicles parked on village property. Smoking debris may not be discarded on village property, except in designated receptacles. Employees may not smoke while on company equipment or in a company vehicle. Employees are prohibited from smoking cigarettes or other tobacco products on private property when on village business.

33.160 Seat Belt Use

Employees are required to use seat belts which are provided in any village vehicle at all times during the operation of the village vehicle or equipment.

33.161 Media Relations

Only certain employees are authorized to speak to the media on behalf of the village concerning village business including individual social media. These individuals are the President, and for police matters, the Chief of Police. Violation could result in suspension and/or termination of employment.

33.162 Information Requests By Citizens

(A) The state's Freedom of Information Act (FOIA) helps to ensure an open and honest government. The FOIA law requires all public bodies to make public records available for inspection. However, not all records are public, so the law requires that every public body designate one or more employees to act as its Freedom of Information Officers. These individuals have the training to make the determination of what public records can be released, or what records can be redacted and released.

(B) The village will select an FOIA officer or officers. That individual or individuals will be the only employees with authority to release any village records.

33.163 Conflict Of Interest

The village expects its employees to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create a conflict, or create the appearance of a conflict, of interest.

33.164 Pecuniary Interests And Gratuities

(A) Except for the receipt of compensation allowed by law, village employees may not have any direct or indirect financial interests or profit from and business dealings with the village.

(B) Employees must not accept any money, gift, gratuity, favor, preferred services, benefits, concessions, or considerations of any kind from any person or company.

33.165 Outside Employment

(A) Outside employment is any employment in addition to an employee's regular, full-time job with the village. Full-time employees may engage in outside employment providing:

(1) Such outside employment shall not interfere with the efficient performance of the employee's duties;

(2) Such employment shall not constitute a conflict of interest;

(3) Such employment shall not occur during the employee's regular or assigned working hours; and

(4) Such employment is reported to the employee's supervisor prior to acceptance of employment.

(B) Employees of the Police Department should consult rules, regulations, department policy, and labor contracts in regards to outside employment.

33.166 Political Activity

(A) It is the duty and right of every employee to register and vote. Employees are permitted to join political organizations or civic groups, but employees must follow these guidelines:

(1) Employees are not permitted to engage in any public political activity involving the election of candidates for any village office during business hours.

(2) Employees are not permitted to solicit, sell, or handle political contributions in village elections.

(3) Employees are not permitted to wear or display any political badges, buttons, or signs on their person during duty hours.

33.167 Nepotism

All village employees can expect fair and impartial treatment from supervisors or employees with oversight authority. As such, no full-time employee shall hold a position in which he or she supervises, checks, or audits the work of another employee within the employee's immediate family (as defined in 33.137) or with whom the employee has had, or is having, a dating relationship. If any such relationship exists or arises, the village will either transfer one of the employees to a vacant position for which the employee is qualified, or will terminate the employment of one of the employees.

33.168 Use of Government Equipment Or Property

Village equipment and property may be used by employees in conjunction with the performance of village operations and duties. Village equipment and property may only be used by village employees for personal purposes as approved by their supervisor.

33.169 Gifts And Contributions

Village employees are prohibited from soliciting or accepting gifts from any person, vendor, business, or entity with whom they come in contact within the course of their official duties. This ban includes the spouse and immediate family of the employee. However, seasonal gifts of nominal value (up to \$25) such as calendars or consumable food items provided for a work group, if it is in accordance with the state's Gift Ban Act, and distribution is approved by the President.

33.170 Personal Dress

(A) Discretion in style of dress is very important to the village. Employees are often the village's representatives in dealing with the public. Office employees are to dress in business casual attire. Jeans may be worn with a business casual appropriate shirt. Jeans must not be ripped or "distressed." Employees arriving at work in inappropriate attire due to a violation of

the above restrictions or because the clothing items are too revealing will be required to change their clothing and will not be paid for the time required to do so.

(B) Employees are required to dress in attire safe and appropriate for their positions. Clothing worn by employees must not be torn, must meet safety requirements, and must not contain inappropriate language or graphics.

(C) In some cases, employees may be provided uniforms to wear. Uniforms or work clothes bearing the village's name shall not be worn outside of village work hours except for purposes of traveling to and from work or during municipal meetings and/or functions.

33.171 Canvassing Or Solicitation

(A) In order to help maintain a work environment that protects village employees from undue interference while performing their duties, employees may not orally solicit or distribute written materials for any organization, fund, activity, or cause to other employees in work areas while either employee is on duty.

(B) Employees may solicit or distribute information before or after work hours, during normal break or lunch times, and other times when neither are working.

33.172 Computer And Technology Use

Police officers shall abide by the Computer and Technology Use Policies provided for in the Police Department Procedures as adopted and all other employees shall comply with the Computer and Technology Use Policies adopted by the Board of Trustees as amended.

Discipline

33.185 Authority to Discipline

The Village President has administrative authority to discipline personnel for violations of personnel regulations, village ordinances, state statutes, and federal laws.

33.186 Forms of Discipline

Maintaining discipline is usually not a problem in a work environment where there are reasonable rules, and standards of conduct are clearly communicated and consistently and equitably enforced. However, there are situations of misconduct or delinquency where there is no alternative but to take corrective action. In these instances, from least severe to most severe, include: written warnings, suspensions of up to 30 days without pay, and discharge from employment.

33.187 Progressive Discipline

(A) The village will employ the progressive discipline policy where warranted by the circumstances involved. However, the village may consider any offense to be serious enough to discharge an employee without utilizing progressive discipline.

(B) *Behavior.* Examples of the types of behavior which may result in discipline include: insubordination; sleeping on duty, loafing, or delay in carrying out instructions; attendance offenses; discourtesy, gambling, fighting, or creating a disturbance; false statements; dishonesty;

stealing; misuse of village property; unauthorized use or possession of alcohol, drugs, or a controlled substance; possession of an unauthorized weapon; failure to observe written regulations, orders, rules, or procedures; discrimination based on race, color, religion, age, sex, national origin, political affiliation, disability, or marital status; sexual harassment; violation of employees constitutional rights; refusal to testify or obstruction of investigations; misappropriation; job actions; reprisal; or criminal, immoral, or indecent conduct (including off-duty conduct if nexus is established).

33.188 Garnishments

The village does not take any part of an employee's salary to pay private debts except to enforce certain legal and financial obligations to the federal government or to make child support or alimony payments.

33.189 Grievance Procedures

(A) Under normal conditions, if an employee has a job-related problem, question, or complaint, she or he should discuss it with their supervisor within five to ten working days of the occurrence. Her or his supervisor will respond to her or his request within ten to 14 working days. If an employee chooses to file a complaint, it should be done within ten to 14 days of his or her supervisor's response. Please note that discharged employees may not grieve their discharge.

(B) If the discussion with the employee's supervisor does not answer her or his question or resolve the matter to her or his satisfaction, the employee may then present her or his complaint, in writing, to the President who will render a decision after appropriate investigation. If the employee's first line supervisor is the President, then the written complaint should be given to the Village Clerk who will present the complaint to the Board for final resolution.

(C) When the issue personally involves the supervisor with whom the employee would ordinarily discuss a problem, he or she may bypass the individual and proceed to the next person in authority without fear of reprisal.

(D) Members of the bargaining unit should review the bargaining unit agreement for current grievance procedures.

33.200 Termination

(A) The relationship between the village and the employee is that of employment at-will. An employee may be terminated at any time with or without cause. However, if an employee's termination is related to employee misconduct, the village will adhere to the Progressive Discipline Policy in determining if the employee will be terminated immediately. Either the President may make a recommendation to the Board, or the Board may, by a majority vote, recommend that an employee be terminated. If the recommendation is from the President, the Board must approve the termination. If the termination is recommended by the Board, the President may or may not terminate the employee based on his or her discretion.

(B) In the event of a termination, normal voting procedures apply. In the event of a tie vote by the Board, the President will break the tie.

33.201 Resignation

(A) Voluntary separation occurs when the separation is initiated by the employee by:

- (1) A written or oral resignation;
- (2) Failure to appear or call for three consecutive work days;
- (3) Failure to return from an approved leave of absence;
- (4) Failure to report for work upon recall from a layoff or reduction-in-force; or
- (5) Retirement.

(B) Should an employee decide to resign from her or his employment with the village, it is asked that the employee notify her or his supervisor of her or his decision at least two weeks in advance in writing of her or his planned departure date. The employee's thoughtfulness will be appreciated, and will allow the village to maintain work schedule and provide important services to the public.

33.202 Layoff/Reduction in Force

The President may lay off an employee in the service of the village by reason of shortage of work and/or funds: abolition of the position(s); other material changes in the organization; or for other reasons beyond the employee's control and which do not reflect discredit upon the employee. No permanent employee will be laid off while another person in the same class of position is employed in the same department on a part-time or temporary basis.

33.203 Separation Benefit

Upon separation from the village, employees will receive payment for accrued vacation and compensatory time.

33.204 Return of Village Property

The employee must return village property that was assigned to the employee prior to issuance of the final paycheck. This shall extend to, but not be limited to, tools, keys, cell phones, pagers, and/or garments bearing the village's name.

33.205 References

It is the policy of the village to provide only dates of employment and positions held to prospective employers of former employees. Only the President or his or her designee is allowed to provide this information.

Appendix A: Forms

34. VILLAGE POLICIES

Travel Expense Reimbursement

34.01 Interpretation

This subchapter shall be interpreted to be consistent with the Local Government Travel Expense Control Act, 50 ILCS 150.

34.02 Definitions

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ENTERTAINMENT. This includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

TRAVEL EXPENSE. Any expenditure directly incident to official travel by employees and officers of the village or direct payment to private agencies providing transportation or related services.

VILLAGE. The Village of Tolono, Illinois.

34.03 Official Business Requiring Expenses

Travel, meal, and lodging expenses will only be allowed for official business of the village which is necessary to the functioning or improvement of the village. Official business includes: education conferences related to the duties of the employee or officer of the village; site visits to current or potential vendors of the village; or out-of-town meetings related to the official duties of the employee or officer of the village.

34.04 Entertainment Expenses

No entertainment expenses incurred by any employee or official may be reimbursed.

34.05 Maximum Allowable Reimbursement

Unless otherwise excepted herein, the maximum allowable reimbursement for an employee or officer of the village shall be those rates set by the Federal Travel Regulation and maintained by the United States General Services Administration for travel per diem, meals, and incidental expense in effect at the time the expense was incurred.

34.06 Approval of Expenses

(A) The Board of Trustees must approve the following reimbursements for travel expense, including meals, transportation, and/or lodging, by a roll call vote at an open meeting of the Board of Trustees:

- (1) Any expense of any officer or employee that exceeds the maximum permitted in 34.05;
- (2) Any expense of any member of the corporate authorities of the village;
- (3) The cost of travel including the allowable automobile expense allowed by the IRS for business travel, rental car, airplane, rideshare, cab, private car, train, and/or bus. In the event that there is a choice of class, only coach or economy class or similar shall be approved. Any upgrades to the equivalent of first and/or business class may only be done at the additional expense of the traveler;
- (4) The cost of lodging which shall be reasonable and customary for the location and time of the area where the traveler is staying; and
- (5) The customary cost of conference fees, class fees, supplies, books, software, and computer materials for educational purposes is allowed.

(B) The Board President or her or his designee shall be authorized to approve such travel without preapproval of the Board, so long as the total cost of reimbursement is less than \$1,000.

34.07 Documentation of Expenses

Except as authorized above by the Board President, before any reimbursement for travel, meals, or lodging may be approved pursuant to 34.06, a standardized form for submission of such expenses shall first be submitted to the Board of Trustees. This form shall include, at a minimum, the name and title of the requestor, a cost estimate of expenses not yet incurred or a receipt if expenses have been incurred, and the date or dates and the nature of the official business wherein the expenses were or will be incurred.

State Ethics Act

34.10 Adoption by Reference

The regulations of §§ 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the “Act” in this subchapter) are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 ILCS 430/70-5.

34.11 Prohibitions

(A) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the village, is hereby prohibited.

(B) The offering or making of gifts prohibited to be offered or made to an officer employee of the village under the Act is hereby prohibited.

(C) The participation in political activities prohibited under the Act, by any officer or employee of the village, is hereby prohibited.

34.12 Definitions

For purposes of this subchapter, the terms **OFFICER** and **EMPLOYEE** shall be defined as set forth in 5 ILCS 430/70-5(c).

34.13 Amendments

(A) This subchapter does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this subchapter, however, the provisions of this subchapter shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(B) Any amendment to the Act that becomes effective after the effective date of this subchapter shall be incorporated into this subchapter by reference and shall be applicable to the solicitation, acceptance, offering, and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this subchapter by reference without formal action by the corporate authorities of the village.

(C) If the state’s Supreme Court declares the Act unconstitutional in its entirety, then this subchapter shall be repealed as of the date that the Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This subchapter shall be deemed repealed without further action by the corporate authorities of the village if the Act is found unconstitutional by the Supreme Court.

(D) If the state's Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this subchapter shall remain in full force and effect; however, that part of this subchapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village.

Solicitation and Acceptance of Gifts

34.20 Adoption

(A) The State Gift Ban Act (5 ILCS 430/10-10 et seq.) is hereby adopted as required by § 83 of the Act (5 ILCS 430/83).

(B) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the village.

34.21 Ethics Officer

To the extent authorized by law and to the extent required by § 35 of the Act (5 ILCS 430/20-23), the Board President is appointed to serve as the Ethics Officer of the village. The Ethics Officer's duties shall be as provided in § 35.

34.22 State Legislative Ethics Commission: Complaints

All complaints for violations of the Act and this subchapter shall be filed with the state's Legislative Ethics Commission (created by § 45(a)(6) of the Act).

34.23 Future Amendments to Act

Any amendment to the State Gift Ban Act (5 ILCS 430/10-10 et seq.) that becomes effective after the passage of this subchapter shall be incorporated into this subchapter by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this subchapter by reference without formal action by the corporate authorities of the village.

34.24 Future Declaration of Unconstitutionality of Act

(A) If the state's Supreme Court declares the State Gift Ban Act (5 ILCS 430/10-10 et seq.) unconstitutional in its entirety, then this subchapter shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The subchapter shall be deemed repealed without further action by the corporate authorities of the village if the Act is found unconstitutional by the State's Supreme Court.

(B) If the state's Supreme Court declares part of the State Gift Ban Act (5 ILCS 430/10-10 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this subchapter shall remain in full force and effect; however, that part of this subchapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village.

Retirement and Pensions

34.30 State Municipal Retirement Fund

- (A) The village does hereby elect to participate in the state's Municipal Retirement Fund.
- (B) The standard for IMRF participation shall be a position normally requiring performance of duty for 1,000 hours per years.
- (C) The Clerk is directed to promptly file a certified copy of the ordinance codified herein with the Board of Trustees of the state's Municipal Retirement Fund.

34.31 Pension Fund

The President of the Board of Trustees is directed and authorized to proceed with establishing a retirement program through the state's Municipal Retirement Fund for village employees under such terms as he or she deems appropriate under that pension program, under the budget constraints of the village, and based upon the salaries of its employees.

Electronic Mail Regulations

34.40 Purpose and Scope

The purpose of this chapter is to establish guidelines for the proper use and application of email by employees of the village. For purposes of this chapter, the term ***EMPLOYEES OF THE VILLAGE*** and/or ***EMPLOYEES*** shall not be deemed to include police officers who are employed by the Police Department. They shall instead be regulated by Police Department procedures adopted/implemented by the Police Chief. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current laws (e.g., the state's Freedom of Information Act) Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the village.

34.41 Right of Privacy

- (A) All email messages, including any attachments, that are transmitted over village networks are considered village records and therefore are village property. The village reserves the right to access, audit, and/or disclose, for whatever reason, all messages, including attachments, that have been transmitted, stored, accessed or received through any department system, storage area or device.
- (B) The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the village email system shall have no expectation of privacy concerning communications transmitted over the system.
- (C) Employees should not use personal accounts to exchange email or other information that is related to the official business of the village.

34.42 Prohibited Use

(A) Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, unlawful, or any other inappropriate messages on the email system is prohibited, will not be tolerated, and may result in disciplinary action.

(B) Email messages addressed to the village are only to be used for official business related uses. Personal advertisements or other commercial use is not acceptable.

(C) It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure should minimize the misuse of an individual's email, name, and/or password by others.

34.43 Email Management

Because the email system is not designed for long-term retention of messages, email messages that the employee desires to save, or that becomes part of an official record, should be stored in another database. Users of email are solely responsible for the management of their email preferences.

Technology Use

34.50 Purpose and Scope

This subchapter describes the use of Department computers, software, and systems.

34.51 Privacy Policy

(A) Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit system, or other wireless service provided by or funded by the village expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender, and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication.

(B) The village also expressly reserves the right to access and audit any and all communications (including content) sent, received, and/or stored through the use of such service.

34.52 Definitions

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

COMPUTER SYSTEM or **SYSTEM**. All computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the village, which are provided for official use by village employees. This shall include all access to and use of Internet Service Providers (ISP) or other service providers provided by or through the village or village funding.

HARDWARE. This includes but is not limited to computers, computer terminals, network equipment, modems, or any other tangible computer device generally understood to comprise hardware.

TEMPORARY FILE or **PERMANENT FILE** or **FILE**. Any electronic document, information, or data residing or located, in whole or in part, whether temporarily or permanently,

on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, or messages.

34.53 System Inspection or Review

(A) An employee's supervisor has the express authority to inspect or review the system, all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

(B) When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the village's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

(C) Reasons for inspection or review may include but are not limited to system malfunctions, problems, or general system failure, a lawsuit against the village involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

34.54 Village Property

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any village computer or through the village's computer system on any other computer, whether downloaded or transferred from the original village computer, shall remain the exclusive property of the village and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

34.55 Unauthorized Use of Software

(A) Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malware infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a village computer or network shall be done so only with the approval of the employee's supervisor and only after being properly scanned for malicious attachments.

(B) No employee shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the village while on village premises or on a village computer system. Such unauthorized use of software exposes the village and involved employees to severe civil and criminal penalties.

34.56 Prohibited and Inappropriate Use

(A)(1) Access to village technology resources including internet access provided by or through the village shall be strictly limited to village-related business activities.

(2) Data stored on or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legal and legitimate law enforcement or department business related purpose to access such data.

(3) Any exceptions to this subchapter must be approved by a supervisor.

(B) Any internet site that contains content that is not appropriate or applicable to village use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms, and similar or related websites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

(C) Downloaded information shall be limited to messages, mail, and data files which shall be subject to audit and review by the village without notice. No copyrighted and/or unlicensed software program files may be downloaded.

(D) Employees shall report any unauthorized access to the system or suspected intrusion from outside sources to a supervisor.

34.57 Protection of Village Systems and Files

(A) All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

(B) It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

Personal Communication Devices

34.60 Purpose and Scope

(A) The purpose of this subchapter is to establish guidelines for the use of village-issued mobile phones and personal communication devices, and the on-duty use of such devices personally owned by personnel.

(B) Because of technical advances and varying manufacturer nomenclature, this subchapter will generally refer to all personal communication devices (PCDs) as such, but is intended to include all mobile phones, and other such wireless two-way communication and/or portable internet access devices.

34.61 Privacy Policy

(A) Any employee utilizing any computer, internet service, phone service, or other wireless service provided by or funded by the village expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender, and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication.

(B) The village also expressly reserves the right to access and audit any and all communications (including content) sent, received, and/or stored through the use of such service.

34.62 Departmentally Issued Personal Communication Device

Depending on an employee's assignment and needs of the position, the village may, at its discretion, issue a personal communication device (PCD). Such devices shall remain the sole property of the village and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

34.63 Individually Owned Personal Communication Device

Employees may carry their own individually owned PCD during village working hours subject to the following conditions:

- (A) Carrying an individually owned personal communication device is optional; and
- (B) The device shall be purchased, used, and maintained at the employee's expense.

34.64 Use of Personal Communication Devices

(A) Whether provided by the village or personally owned, PCDs shall only be used by on-duty employees for legitimate departmental business.

(B)(1) PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (for example, to inform family of extended hours).

(2) While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the general public.

(C) Extended or frequent use of departmentally issued PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to disciplinary action. Employees may be responsible for reimbursing the village for any charges incurred as a result of personal use of a village owned PCD.

34.65 Use While Driving

The use of a PCD while driving is illegal. Employees should restrict the use of these devices while driving to calls of an urgent nature and should stop the vehicle at an appropriate location to complete their communication. Except in the case of an emergency, employees who are operating non-emergency vehicles shall not use cellular phones or other PCDs while driving unless the PCD is specifically designed and configured to allow hands-free use. Employees should restrict such calls to business related calls or calls of an urgent nature.

Employee Speech, Expression, and Social Networking

34.70 Purpose and Scope

(A) This subchapter is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the legitimate needs of the village.

(B) Nothing in this policy is intended to prohibit or infringe upon any employee's communication, speech, or expression that has been clearly established as protected or privileged.

34.71 Applicability

This subchapter applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file sharing sites.

34.72 Policy

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the village. Due to the nature of the work and influence associated with the community-wide visibility of public employees, it is necessary that employees of the village be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the village will carefully balance the individual employee's rights against the village's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

34.73 Safety

(A) Employees should carefully consider the implications of their speech or any other form of expression when using the internet.

(B) Speech and expression that may negatively affect the safety of the village employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties.

(C) Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, an employee's family, or associates.

34.74 Prohibited Speech, Expression, and Conduct

To meet the village's safety, performance, and public trust needs, the following are prohibited:

(A) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the village or its employees. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to the village and tends to compromise or damage the mission, function, reputation, or professionalism of the village or its employees. Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the village.

(B) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the village for financial or personal gain, or any disclosure of such materials without the expressed authorization of the employee's supervisor. Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of village logos, emblems, uniforms, patches, marked vehicles, equipment, or other material that specifically identifies the village on any personal or social networking or other website or web page without the express written permission of the employee's supervisor is prohibited. Failure to take reasonable and prompt action to remove any content that is in violation of this subchapter and/or posted by others from any web page or website maintained by the employee (for example, a social or personal website) may result in disciplinary action. Accessing websites for non-authorized purposes, or use of any personal communication device, game device, or media device, whether personally or village-owned, for personal purposes except in the following circumstances: when brief personal communication may be warranted by circumstances (e.g., inform family of extended hours), during authorized breaks; however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

34.75 Unauthorized Endorsements and Advertisements

(A) Employees may not represent the village or identify themselves in any way as being affiliated with the village in order to do any of the following:

- (1) Endorse, support, oppose, or contradict any political campaign or initiative;
- (2) Endorse, support, oppose, or contradict any social issue, cause, or religion;
- (3) Endorse, support, or oppose any product, service, company, or other commercial entity;

or

(4) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, or on any website.

(B) Additionally, when it can reasonably be construed that an employee, acting in his or her individual capacity or through some unofficial group or organization (e.g., bargaining group), is affiliated with the village, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the village.

(C)(1) Employees retain their right to vote as they choose, to support candidates of their choice, and to express their opinions on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office.

(2) Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

34.76 Privacy Expectations

(A) Employees forfeit any expectation of privacy with regards to anything published or maintained through file-sharing software or any internet site open to public view (e.g., Facebook).

(B) The village also reserves the right to access, audit, and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the village, including the village's email system, computer network, or any information placed into storage on any department system or device.

(C)(1) All messages, pictures, and attachments transmitted, accessed, or received over department networks are considered department records and, therefore, are the property of the village.

(2) The village reserves the right to access, audit, and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed, or received through any department system or device, or any such information placed into any department storage area or device. This includes records of all key strokes or web browsing history made at any department computer or over any department network.

(3) The fact that access to a database, service, or website requires a user name or password will not create an expectation of privacy if it is accessed through a village computer or network.

Telecommunications

34.80 Purpose and Scope

The purpose of this subchapter is to establish guidelines for the use of village telephones and fax machines.

34.81 Privacy Policy

Any employee utilizing any village telephone and/or fax machine expressly acknowledges and agrees that the use of same, whether for business or personal use, shall remove any expectation of privacy of the employee, sender, and recipient including, but not limited to, the content of any such communication. The village expressly reserves the right to access and audit any and all such communications (including content) sent, received, and/or stored through the use of such service.

34.82 Use Limitations

The primary use of village telephones and fax machines shall be to conduct village-related business activities. Employees may make personal calls and/or utilize a fax machine on an extremely limited basis and only as approved by an employee's supervisor. In no instance shall employees utilize village telephones and/or fax machines for any commercial purpose. Any additional charges for any personal usage shall be reimbursed by the employee to the village.

Rave Alert Policy

34.90 Introduction

(A) Mass notification systems allow large numbers of people to be contacted simultaneously via multiple methods including land-line phones, cell phones, text messages and email. A new mass notification system has been implemented in the village. The system, RAVE Alerts is capable of quickly disseminating information to the population of the village, including village RAVE employees, in less than ten minutes.

(B)(1) RAVE Alerts will have the following capabilities:

- (a) Ability to notify employees in an emergency;
- (b) Ability to notify the community in an emergency; and
- (c) Ability for the community to add additional methods of notification including cell phone, email, text messaging for emergency and non-emergency notifications.

(2) Community is defined as residents, businesses and frequent visitors to the village. This chapter is not intended to replace personnel recall policies and procedures for police employees.

34.91 System Responsibility

(A) The Village Board President and/or his or her designee will oversee the overall use of the system. The Police Department will have the primary responsibility for the dissemination of emergency information regarding imminent police and fire incidents. The Information Systems Department is responsible for the technical maintenance, data upload and the overall technical operation of the system.

(B) Non-emergency communications will be facilitated by designated village departments and personnel under the direction on the Village Board President. All public safety nonemergency communications will be directed and facilitated by designated public safety personnel.

34.92 Data Sources

There are four distinct data sources populating this system: employee data, 911 data, white and yellow page data, and opt-in data.

34.93 Employee Data

(A) The ability to contact employees is dependent on employees providing accurate and current contact information to the village. It is responsible for each village department to ensure their personnel's information is updated, including changes in contact information and identification of special skills. Employee data will be maintained by the Office of Emergency Management. The Information Systems Department will upload employee data into the system quarterly to ensure the most recent data is readily available in a time of an emergency.

(B) Each department will be responsible for collecting and submitting current employee contact information on a quarterly basis.

(C) All village employees are required to provide contact information to be used in the event of an emergency. Both state law and the village municipal code state that all village employees may be designated as disaster service workers in the event of a declared emergency.

(D) As designated disaster workers, employees are required to provide the village with basic contact information. If information is found to be incorrect during the testing phase, department heads will ask employees to update their data. Employees will only be called in an emergency and the data will not be used for non-emergency use/calls.

34.94 911 Data

The village is able to request 911 data from certain providers for uploads to the RAVE Alerts. The data includes all published and unpublished landline telephone numbers and their corresponding physical address. The data is intended to be utilized for emergency notifications only and is considered confidential. Upon receipt of the data from such providers, it is securely transferred to the RAVE vendor for geocoding. During the geocoding process, the vendor will attempt to remove as many duplicate records as possible in an effort to prevent one residence or business from receiving multiple notifications. The RAVE vendor is contracted to refresh the data.

34.95 White and Yellow Page Data

This data is uploaded from the current white and yellow pages and includes all business and resident numbers currently listed.

34.96 Opt-In and Opt-Out Pages

(A) RAVE Alerts allows those who live, work or spend time in the village to select the type of information they wish to receive (such as public safety, community events, traffic issues, construction and the like) and the way in which they are contacted. The opt-in page allows people to add additional contact information including cell phone numbers, email addresses, text messages and business numbers. The community will have the ability to opt into the system via the village's website. Hard copy forms will be made available to those who do not have computer access.

(B) Anyone who chooses to opt into the system will automatically be registered into the village's emergency alert category.

34.97 Emergency Versus Non-Emergency Usage

(A) Usage of the system has been divided between emergency and non-emergency. Emergency use generally refers to a serious property or life-threatening event or condition and non-emergency use generally refers to community outreach, advertising, and information dissemination.

(B) RAVE Alerts should be used carefully, with the understanding that numerous messages will dilute the effectiveness of life-threatening notifications and can erode confidence in the system.

(C) Non-emergency uses will be coordinated through the Village President and/or his or her designee. Public safety usage of the non-emergency category shall be coordinated through the appropriate public safety authority.

34.98 Emergency Usage

(A) Office of Emergency Management.

(1) Notification of public: ability to contact residents and businesses in all declared and, in some cases, undeclared disasters; alerts, watches and warnings.

(2) Notifications of employees: notifications to and recall of all village employees in the event of city-wide emergency or other emergent recall or personnel.

(B) Police.

(1) Notification of public: evacuations, notifications of protests or marches, significant crime in progress, shelter in place and the like.

(2) Notification of employees: notifications and recall of all employees and those with special skills (SWAT, crisis negotiators, public information and the like).

(C) Fire.

(1) Notification of public: fires, evacuations, other emergency related information, shelter in place (hazmat), red flag alerts (in most cases, the activation of the system will be conducted by the Police Department Watch Commander or his or her designee).

(2) Notification of employees: notifications and recall of all employees and those with special skills (hazardous materials, search and rescue, public information and the like).

(D) *Public Works.* Notifications of public: water, sewer, and gas main breakages/issues/contaminations. These requests will be forwarded to the appropriate public safety personnel for dissemination.

(E) *All other village departments.* Notification of employees: notifications to and recall of all village employees in the event of village wide emergency or other emergent recall of personnel.

34.99 Public Notification Policy and Procedural Issues for Emergency Use

(A) In the event of an emergency requiring public notification, absent extenuating circumstances, the appropriate chain of command will be followed for approval of messages prior to dissemination shall be through the President of the Board of Trustees, the Chief of Police, and/or the Superintendent of Public Works.

(B) The dissemination of emergency messages by public safety personnel shall only be conducted by those designated by the President and/or Chief of Police.

34.100 Non-Emergency Usage

Utilizing the system for non-emergency purposes such as community outreach is an additional benefit to the community.

- (A) Public safety notices;
- (B) Traffic updates;
- (C) Village construction projects;
- (D) Rail crossing updates;
- (E) Job opportunities;
- (F) Planning meetings/news/events;
- (G) Downtown parking;
- (H) Board and commission vacancies;
- (I) Board of Trustees updates; and
- (J) Permitted events notification.

34.101 Public Notification Policy and Procedural Issues for Non-Emergency Use

The President of the Board of Trustees will oversee the development of all nonemergency usage policies of the mass notification system. Designated village personnel will utilize the system according to the policies developed. These messages will be generated at the discretion of departments, with the approval of the designated village staff member, who will manage the dissemination.

34.102 Training

All training on both emergency and non-emergency utilization of RAVE Alerts will be conducted by an individual designated by the Village Board President. Once trained, personnel will be given authorization and credentials to utilize Rave Alerts in their respective areas only. Employees shall not utilize the system without authorization and training.

34.103 Community Use

(A) The village will accept applications for non-emergency use by not-for-profit community organizations situated in the village to send alerts to community members who have chosen to opt in to receiving such alerts. Such applications shall include the name, address, designated agent, phone number, email address, intended contact audience for system, requested frequency and purpose.

(B) The village may choose to decline providing requesting services if such services impose an unreasonable burden on the system, if the applicant is not a not-for-profit community organization situated in the village, and/or village determines that the request does not meet the purpose of providing the designated audience with brief alerts regarding the scheduling and/or termination of programming in the village. The village may also choose to deny any requests which might harm the public constituting of profane, obscene, or sexual language; content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation; solicitations of commerce, including but not limited to advertising of any business or product for sale; disruptively repetitive content; conduct or encouragement of illegal activity; information that may tend to compromise the safety or security of the public or public systems; malicious or harmful software or malware; defamatory or personal attacks; threats of violence or to public safety; confidential, private, or exempt

information or records as defined by state law; conduct that violates any federal, state, or local law; and copyrighted materials in violation of state or federal law.

(C) In the event of such denial, the applicant may appeal by tendering notice of written appeal to the Village Clerk within ten business days of the issuance of such denial. Failure to timely file such an appeal constitutes a waiver to file an appeal. The appeal shall then be heard by the Village Board of Trustees within 30 business days at a date, place and time designated by the village in writing mailed and emailed to the applicant at least five business days in advance of such hearing. At the hearing, the applicant will be allowed to present such information as it reasonably desires. The Village Board shall then issue its final decision within 15 business days of the conclusion of such hearing.

(D) The schedule of fees for utilizing such services shall be comprised of a setup fee of \$30 with an annual fee of \$120 per year for each fiscal year with any partial year application to be prorated. The annual fee will be due May 1 of each year.

(E) The village, at the direction of the President, may terminate the community use portion of the program at any time in which case, any applicant will be issued refunds for any terminated services.

Freedom of Information Act

34.110 Purpose

The purpose of these procedures is to assure that public records prepared or received by the village are made available to the public in compliance with the state's Freedom of Information Act (5 ILCS 140/1 et seq.).

34.111 Responsible Office

The Village Clerk's office is responsible for administering these procedures as adopted and as amended from time to time. All questions regarding these procedures or the state's Freedom of Information Act should be directed to the Clerk's office at P.O. Box 667, Tolono, IL 61880. The Clerk's office will process requests during regular business hours.

34.112 Procedures for Handling Verbal Requests

(A) Village offices receive many verbal requests from citizens to either inspect documents or to receive copies of documents.

(B) Village offices should continue to comply with verbal requests for inspection of documents unless the requests involve large numbers of documents, require a period of time to comply with the request, or require a written request to accurately comply with the request, or the department or division otherwise determines it is necessary to have a written request for inspection. If a written request is deemed necessary, the procedure set out in 34.113 will be followed.

(C) If a verbal request for inspection is complied with, it must be compiled with in the time period set out in 34.113, additionally, the verbal request must be entered in a log, a copy of which is in Appendix A. A copy of the log will be retained by the Clerk for two years.

(D) Requests will be reviewed by the Clerk or his or her designee.

34.113 Procedures for Handling Written Requests

(A) Except as provided below, all written requests for inspection of or copies of documents must be made in the Village Clerk's office. Forms upon which requests can be made are available at the front desk in the Clerk's office.

(B) All written requests for inspection and copies of documents and verbal requests for inspection must be complied with within five business days of the receipt of the request by the village.

34.114 Delay

(A) If a request cannot be filled within five business days of the receipt of the request by the village, the village must then notify the requesting party that an additional five business days is required to comply with the request. This notification to the requesting party must be done within the original five business day period.

(B) The Clerk shall give the reason for the extension. If a request is not complied with at the end of either five business day periods, it shall be considered a denial of the request.

34.115 Denial

There will be occasions when a request must be denied. The Village Clerk shall inform the requesting party of the denial in writing, within five business days of the village's receipt of the request, stating the reason(s) for the denial, and shall also inform the requesting party of the right to appeal the matter.

34.116 Traffic Accident Reports and Confirmation of Filing of Reports

Written requests for traffic accident reports and letters of confirmation of filing of police reports may be taken by the Police Department rather than referring the requesting party to the Clerk. The Police Chief, her or his designee, or the Clerk shall issue the appropriate letter of denial if one is to be issued. The written request and a copy of the letter of denial, if any, shall be sent to the Clerk's office. Compliance shall be within the time periods set out in the act and herein.

34.117 Partially Exempt Material

If documents contain both disclosable and exempt material and the exempt material is segregable, the non-exempt portion of the material must be disclosed. This is true whether the document is for inspection only or is to be copied. Further, the requesting party must be given the reason for not disclosing the exempt material. The attached denial of request form should be used in the case of a partial denial of a request as well as where the entire request is denied.

34.118 Appeal Procedure

The denial letter shall inform the requestor that he or she has the right to appeal the denial of the request to the Board President or his or her designee, and a right to judicial review upon a denial of the appeal. The appeal shall be in writing to the Board President or her or his designee and shall be delivered to the Clerk. The notice of appeal shall be immediately forwarded to the Board President or her or his designee, who shall promptly review the record and act upon the appeal within five business days of the date of the receipt of the notice by the Clerk. A failure to act within five business days shall be deemed a denial of the appeal.

34.119 Notices

A notice will be posted on the front door of the village offices in compliance with the Act and copies will be available in the Village Clerk's office.

34.120 Costs

(A) The village will charge for document copies as follows:

(1) There shall be no fee for emailed records.

(2) Paper copies in black and white on letter or legal sized paper shall be of no charge for the first fifty pages. After fifty pages, the fee shall be \$0.15 per page.

(3) Paper copies in color ink or a paper size other than letter or legal sized, shall be \$0.25 per page.

(4) Electronic records on a recording medium, such as a disk, cassette, thumb drive, or the like shall be actual purchase cost of the medium.

34.121 Index of Requests

The Village Clerk shall keep a single central file of notices of denial of requests indexed according to the type of exemption asserted. The index shall, to the extent feasible, index the denials according to the types of records requested. This index shall be open to the public.

Appendix A: Forms

34.199 Penalty

(A) Any person violating any provision of this chapter for which no specific penalty is provided shall be subject to § 10.99 of this code of ordinances.

(B) The penalties for violations of 34.10 through 34.13 shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

35. EMERGENCY POWERS

35.01 Definitions

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ALCOHOLIC LIQUOR* or *LIQUOR*.** The meaning set forth in the Village Code of Ordinances as they regulate alcohol.

ATTACK. Any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes, as defined by the Illinois Emergency Interim Executive Succession Act, 5 ILCS 275/3(d), and as may be hereinafter amended.

CURFEW. A prohibition declared by the Village President during a state of emergency or disaster against any person or persons (except officials of any governmental authority acting with respect to a state of emergency or disaster) being upon any alley, street, highway, parkway, sidewalk, park, playground, parking lot, public property, other open private property, or open private land adjacent to any of the foregoing within the hours specified by the Village President in the proclamation or declaration establishing such curfew.

DISASTER. An occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, or acts of domestic terrorism, as defined by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, and as may be hereinafter amended.

EMERGENCY MANAGEMENT. The efforts of the state, the village, and other political subdivisions of the state to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery, as provided by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, and as may be hereinafter amended.

EMERGENCY OPERATIONS PLAN. The written plan of the village describing the organization, mission, and functions of the village and supporting services for responding to and recovering from disasters and shall include plans that take into account the needs of those individuals with household pets and service animals following a major disaster or emergency, as defined by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, as amended.

FLAMMABLE LIQUID. Gasoline, kerosene, ether or any other liquid which is flammable, combustible or explosive.

MOBILE SUPPORT TEAM. A group of individuals designated as a team by the Governor or Director of the Illinois Emergency Management Agency ("IEMA") to train prior to and to be dispatched, if the Governor or Director of IEMA so determines, to aid and reinforce the state and political subdivision emergency management efforts in response to a disaster, as defined by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, and as may be hereinafter amended.

PUBLIC HEALTH EMERGENCY. An occurrence or imminent threat of an illness or health condition that: (a) is believed to be caused by any of the following: (i) bioterrorism; (ii) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; (iii) a natural disaster; (iv) a chemical attack or accidental release; or (v) a nuclear attack or accident; and (b) poses a high probability of any of the following harms: (i) a large number of deaths in the affected population; (ii) a large number of serious or long-term disabilities in the affected population; or (iii) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population, as defined by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, and as may be hereinafter amended.

STATE OF EMERGENCY. Any riot, rout, affray, disorderly assembly or unlawful assembly by three or more persons acting together which is determined by the Village President to be substantially characterized by the use of actual force or violence or by a clear and present danger of the use of force and violence against persons or property in the village or by the clear and present danger of the use of force and violence so as to interfere with the lawful and peaceable exercise of rights by persons within the village or the lawful and peaceable use of property

within the village, as authorized by the Illinois Municipal Code, 65 ILCS 5/11-5-2, and as may hereinafter be amended.

35.02 Declaration of State of Emergency

(A) Whenever the Village President shall determine that a state of emergency exists in accordance with the standards of the definition of "state of emergency" as set forth in this chapter, the Village President shall have the extraordinary power and authority to exercise by executive order all such powers of the corporate authorities and other officers of the village as may be reasonably necessary or appropriate to respond to the emergency; provided, that prior to exercising any such extraordinary power and authority, the Village President shall have executed, under oath, a written declaration of a state of emergency containing the following:

- (1) A statement of certain facts known to the Village President, either directly or upon information and belief, which are believed by him or her to constitute a state of emergency;
- (2) An express declaration that a state of emergency exists; and
- (3) Such further orders and directives as the Village President may deem necessary or appropriate for the protection of the health, safety, and general welfare of the public.

(B) In the absence of the Village President, the same power and authority stated in division (A) of this section shall be granted to those persons in the following line of succession:

- (1) Village President pro tempore.
- (2) Police Chief or acting Police Chief.
- (3) Members of the Board of Trustees in order of seniority as each is willing and able to serve.

35.03 Declaration of Local Disaster

As authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, as may be hereinafter amended:

(A) Whenever the Village President shall determine that a disaster exists within the Village limits and in accordance with the standards of the definition of "disaster" as set forth in this chapter, the Village President shall have the extraordinary power and authority to exercise by executive order all such powers of the corporate authorities and other officers of the village as may be reasonably necessary to or appropriate to eliminate or minimize the dangers arising from the disaster and for the protection of the health, safety, and welfare of the public; provided that prior to exercising any such extraordinary power and authority, the Village President shall have executed under oath a written declaration of a local disaster containing the following:

- (1) A statement of certain facts known to the Village President, either directly or upon information and belief, which are believed by him or her to constitute a local disaster;
- (2) An express declaration that a local disaster exists; and
- (3) Such further orders and directives as the Village President may deem necessary or appropriate for the protection of the health, safety, and general welfare of the public.

(B) In the absence of the Village President, the same power and authority stated in division (A) of this section shall be granted to those persons in the following line of succession:

- (1) Village President pro tempore.
- (2) Police Chief or Acting Police Chief.
- (3) Members of the Board of Trustees in order of seniority as each is willing and able to serve.

(C) The effect of the Village President's declaration of a local disaster is to activate the village's emergency operations plan and to authorize the furnishing of aid and assistance thereunder.

35.04 Curfew; Regulations of Certain Businesses

As authorized by the Illinois Municipal Code, 65 ILCS 5/11-1-5, as may be hereinafter amended, concurrently with the execution of a declaration of a state of emergency or a declaration of a local disaster as provided under this chapter, or at any time after such declaration but prior to the expiration thereof, the Village President may in his or her sole discretion and in the interest of public safety and welfare make any one or more or all of the following orders:

(A) Order the imposition of a curfew within certain hours specified by the Village President in the order imposing such curfew;

(B) Order the closing of any business holding a liquor license for the sale of alcoholic liquor where such sales constitute the major part of the business of the licensee;

(C) Order the discontinuance of sale of alcoholic liquor by any person or business licensed for such sale under the applicable village ordinances;

(D) Order the discontinuance of sale, distribution, dispensing or giving away in any manner of any firearms, or firearm ammunition, or both;

(E) Order such other safeguards and precautions as are, in the opinion of the Village President, necessary or appropriate for the protection of life and property in the village and for the elimination of such state of emergency, local disaster, or public health emergency; provided, however, that such orders shall not supersede the regularly constituted authority of the Village Administrator, Police Chief, Fire Chief, or Public Works Director.

35.05 Publication of Declaration of State of Emergency and/or Local Disaster

(A) As authorized by the Illinois Municipal Code, 65 ILCS 5/11-1-6 and the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, as they may hereinafter be amended, as promptly as practicable after the execution of any order or proclamation by the Village President declaring, continuing, or terminating a state of emergency or a local disaster, pursuant to the provisions of this chapter, such declaration shall be filed with the Village Clerk and published by posting notices thereof at the following locations and transmitting through the following mediums:

- (1) On the outside of the front door of the Village Hall;
- (2) On the outside of the front door of the village police and fire stations;
- (3) On the outside of the front door of the United States Post Office in the village;
- (4) On the village's website as is practicable;
- (5) Through social media and other electronic mediums for broadcast and publication if possible; and
- (6) At such other place or places within the village as the Village President may in his or her discretion direct.

(B) In addition, the Village President may direct that copies of such declaration of a state of emergency or local disaster be delivered as soon as practicable to any newspapers published or circulated within the village and to such radio, television and other broadcasting stations either within or without the village as may be reasonably necessary or appropriate to effect notice of such declaration of a state of emergency or local disaster to persons within the village as promptly as practicable. Nothing contained in this section shall be a condition to any lawful

arrest, prosecution or conviction of any person for a violation of any provisions of this chapter, provided that the Village President shall not have arbitrarily or capriciously failed or refused to publish a declaration of a state of emergency or a local disaster in accordance with the provisions hereof.

35.06 Effective Period of Declaration of State of Emergency

As authorized by the Illinois Municipal Code, 65 ILCS 5/11-1-6, as may hereinafter be amended, a state of emergency may be declared terminated at any time by the Village President by a written declaration executed by the Village President and published in the manner provided by this chapter, and in any event a declaration of a state of emergency shall expire and terminate automatically and without any further act by the Village President not later than the adjournment of the first regular meeting of the Village Board of Trustees after execution of the declaration of emergency; provided however, that the Village Board may from time to time thereafter, by motion, extend such state of emergency and any orders issued by the Village President in connection therewith until a time fixed in such motion, but not later than:

- (A) The adjournment of the next succeeding meeting of the Village Board; or
- (B) Forty-eight hours after the time of such extension whichever shall first occur.

35.07 Effective Period of Declaration of Local Disaster

As authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, as may hereinafter be amended, any declaration of a local disaster authorized by this chapter shall be effective for seven days, at which time the Village Board shall meet in regular or special session to determine whether or not the local disaster still exists. If, in the opinion of the majority of the Village Board the local disaster still exists, the declaration and any order of the Village President shall continue in effect until the next regular meeting of the Village Board, unless terminated by a majority vote at a special meeting called for such purpose. Such declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the Village Board.

35.08 Emergency Locations; Governmental Powers

(A) Whenever, due to a declaration of a state of emergency resulting from the effects of enemy attack or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the corporate authorities may meet at any place within or outside of the village limits on the call of the Village President or any two members of the Village Board, and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute sites or places as the emergency temporary location or locations of government where all, or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of the village, provided that the village has the consent of the public/private owner, as defined by the Illinois Emergency Government Relocation Act, 50 ILCS 5/1, and as may hereinafter be amended.

(B) During the period when the public business is being conducted at the emergency temporary location or locations, the governing body and other officers of the village shall have and possess and shall exercise at such location or locations, all of the executive, legislative, and judicial powers and functions conferred upon such body and officers by or under the laws of the

State of Illinois. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be valid and binding as if performed within the territorial limits of the village, as defined by the Illinois Emergency Government Relocation Act, 50 ILCS 5/2, and as may hereinafter be amended.

35.09 Liaison Officer

The Village Fire Chief of the Tolono Fire Protection District shall serve as the village's emergency management coordinator and, as authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/10, as may hereinafter be amended, shall serve as the village's liaison officer who shall facilitate the cooperation and protection of the village in the work of disaster mitigation, preparedness, response, and recovery with applicable governmental bodies, relief services, police and emergency authorities, and any other organizations. In the event of the absence, resignation, death or inability of the Village Fire Chief to serve as the emergency management coordinator and as the liaison officer, the Village Administrator shall serve as the emergency management coordinator and as the liaison officer. In the absence of either the Village Fire Chief or the Village Administrator, the same power and authority stated above, shall be granted to those persons listed in the following line of succession:

- (A) Fire Chief;
- (B) Deputy Fire Chief;
- (C) Police Chief;
- (D) Deputy Police Chief;
- (E) Public Works Director;
- (F) Person appointed by the Village President and confirmed by the Board of Trustees at its earliest opportunity.

35.10 Emergency Operations Plan (EOP)

The liaison officer shall prepare for the corporate authorities of the village, an emergency operations plan which shall conform to the tenets of the National Incident Management System and shall serve as a link between the village, and other local municipalities and the State of Illinois in disaster response and recovery efforts, as authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 et seq., as may hereinafter be amended.

35.11 IEMA Notification

The Village President or his or her designee shall annually notify the Illinois Emergency Management Agency of the manner in which the village is providing or securing emergency management, identify the village's liaison officer and furnish such other information requested by the Illinois Emergency Management Agency, as authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/10(f), as may hereinafter be amended.

35.12 Mutual Aid Agreements; Memoranda of Understanding

As authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/10(j), as may hereinafter be amended, the village liaison officer or the Village Administrator may negotiate new mutual aid agreements, or revise existing agreements with other municipal corporations or political subdivisions of the state, however, no such agreement shall be effective until it has been approved by the Village Board. However, those mutual aid agreements already in effect shall remain in effect. The village liaison officer or the Village Administrator may negotiate new memorandums of understanding, or revise existing memorandums of understanding with private entities for the provision of shelter, goods and services for village residents during a declaration of local disaster however, no such memorandum of understanding shall be effective until it has been approved by the Village Board. However, those memorandums of understanding already in effect shall remain in effect.

35.13 Purchases and Expenditures

In the event of a declaration of a local disaster or public health emergency, the village liaison, Village Administrator, and Village President are authorized, on behalf of the village, to procure such shelter, services, supplies, equipment or material as may be necessary in view of the exigency without regard to statutory procedures or formalities normally prescribed by law pertaining to village contracts or obligations, provided that the village liaison, Village Administrator and Village President, where reasonably available, shall all agree to each act of procurement to be made under this section, as authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/10(j), as may hereinafter be amended.

35.14 Declaration of Disaster by Governor

A proclamation of disaster by the Governor of Illinois pertaining to any part of the geographic area of the village shall activate the village's emergency operations plan and authorizes the deployment and use of any forces that the emergency operations plan applies and as well as the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled or arranged to be made available under any mutual aid agreement, memorandum of understanding or other lawful arrangement relating to disasters, as provided by the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(11), as may hereinafter be amended.

35.15 Mobile Support Team

As authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/8, as may hereinafter be amended, employees and officers of the village who are called by the Governor or the Director of the Illinois Emergency Management Agency to serve on a mobile support team shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Employees of the village who are not normally paid for their services shall receive at least \$1 per year compensation from the State of Illinois for serving on a mobile response team when called to do so by the Governor or the Director of the Illinois Emergency Management Agency.

35.16 National Incident Management System (NIMS)

(A) It shall be the public policy of the village to adopt the NIMS concept of emergency planning and unified command.

(B) It shall be the policy of the village to train public officials responsible for emergency management.

35.99 Penalty

Any person who violates the provisions of any curfew declared or order made by the Village President pursuant to the provisions of this chapter shall be guilty of a violation of this chapter and shall be subject to a fine of \$250.00 and/or imprisonment as provided by local, state or federal statute.”

Section 4. Superseder and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Trustee Jared Robbins ;

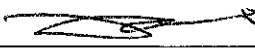
With a second by Trustee Terrence Stuber , roll call vote:

Daniel Grady aye Jared Robbins aye

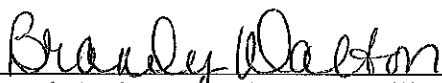
Ann Jack Haluzak aye Terrence Stuber aye

Jacob Naas aye

**SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF TOLONO, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 19th
DAY OF DECEMBER, 2023 A.D.**


Robert Murphy, Village President

ATTEST:


Brandy Dalton, MMC, Village Clerk

(SEAL)

Recorded in Municipal Records: December 19, 2023.
Published in pamphlet form: December 19, 2023.