

TITLE III: ADMINISTRATION

Chapter

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CHAPTER 30: BOARD OF TRUSTEES

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' 30.01 BOARD COMPOSITION.

The Board of the village should consist of the President and six Trustees, and shall be the governing body of the village.
(1975 Code, ' 2-101)

' 30.02 MEETINGS.

Regular meetings of the Board shall be held on the third Tuesday of each month at 7:00 p.m. at Village Hall. If any regular meeting shall fall on a holiday as recognized by the state, then this meeting shall be held the next day provided it is not a Sunday or a holiday.
(1975 Code, ' 2-102)

' 30.03 SPECIAL MEETINGS.

Special meetings of the Board may be called from time to time by the President or two Trustees, upon giving no less than 48 hours= notice to all Board members.
(1975 Code, ' 2-103)

' 30.04 RULES FOR CONDUCTING MEETINGS OF THE BOARD.

The following rules should govern the Board and its regulations.

(A) The Board shall convene promptly at the hour fixed for meetings and during the session

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members of the board shall not receive phone calls, emails, text messaging or similar electronic communication.

(B) Any Trustee or the President may place an item on the agenda of a meeting. All such requests for placing an item on the agenda shall as far as possible be reduced to writing and be filed with the Clerk, and if he or she is unavailable, then the President at least three days before the meeting. A member of the public shall have no right to place any item on the agenda of the Board meeting. Public concerns must be addressed to the Department Chairperson, whose duties include the subject of the citizen concern.

(C) All bills, invoices, claims and payroll items shall first be approved by the Chairperson originating the item and the Chairperson of Accounts and Finance before they are submitted to the Board for vote. The Board by separate ordinance may provide for continuing authority to the Treasurer to pay certain items which are reoccurring expenses provided that the monthly report to the Board includes disclosure of all items paid under these continuing ordinances.

(D) The following shall be the order of business at Board meetings as a general policy. The President shall have the authority to deviate from this policy as he or she deems appropriate given time restraints and the importance of matters to be discussed:

- (1) Role call;
- (2) Approval of the minutes;
- (3) Department reports;
- (4) Public address to the Board;
- (5) Tabled items;
- (6) New business, items on the agenda which require a vote;
- (7) New business items for discussion of further consideration at future meetings; and
- (8) Adjournment.

(E) Four members of the corporate authorities then serving shall constitute a quorum. The affirmative vote of the majority of those present for any meeting provided there is a quorum shall be necessary to adopted any motion, resolution or ordinance unless a greater number is required by law.

(F) For each vote, the Clerk shall call the role of each member entitled to vote and he or she shall state out loud whether they vote yes, no or abstain. The Clerk shall record the vote by each member.

(G) The President shall preside over the Board at all meetings. In the event the President is unable to attend, then the members present may designate a President Pro Tem to preside over the meeting.

(H) The President shall not vote on any measure, motion, resolution or ordinance except:

(1) Where the vote is a tie;

(2) Where half of the Trustees vote in favor of an item and there is not a tie vote; and

(3) Where a vote greater than a majority of the corporate authorities then serving is required by law to pass an item.

(I) All resolutions, motions and ordinances that create any liability against the village, provide for the expenditure of money, or for the sale of any village property are subject to the veto of the President. The President shall reduce his or her veto to writing along with his or her written explanation of the basis of the veto. The President may veto one or more sums set forth in an ordinance and the remainder shall become effective. If the President disapproves of an entire ordinance, resolution or motion, then at the next regular or special meeting, which may not occur sooner than five days after the passage of the ordinance, the veto may be reconsidered by the Board of Trustees. If two-thirds of all trustees then holding office vote in favor to pass the ordinance, resolution or motion contrary to the President's veto then it shall become effective.

(J) Every resolution and ordinance passed by the Board must be signed by the President or two trustees. Every ordinance must be recorded in the ordinance book.

(K) (1) The following procedures shall be followed when an item is on the agenda and submitted and to be considered by the Board for a vote:

(a) The President shall call for a motion to approve the item;

(b) The President shall call for a second for the item;

(c) If the item is moved and seconded then and only then should the President call for discussion. The President shall allow the Board to discuss an item until all opinions and thoughts have been expressed, but upon motion of any Board member and second the President may call for a vote to terminate discussion; and

(d) At the completion of the discussion, the President shall direct the Clerk to conduct a role call vote. The Clerk shall announce the results of the vote and whether or not the measure passed.

(2) *Robert's Rules of Orders* shall guide the procedures used by the Board during its meetings. The Board shall provide for a parliamentarian and in the absence of one being designated by the Board then the Village Attorney shall act as parliamentarian. The rules of procedure may be temporarily altered, amended or suspended at any time by a vote of the Board including the President.

(L) The President shall appoint such special committees as he or she deems necessary or as may be directed by the Board.

(M) The Board shall vote on requests for expenditures by the department heads on an individual

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basis if the expenditure is a non-reoccurring expenditure. The Board may vote by the use of a consent agenda for routine reoccurring expenses. The consent agenda will simply be a single item on the agenda which will call for the approval or disapproval of all listed invoices which have been or need to be paid. If any trustee or the President requests that a particular invoice be removed from the consent agenda items then it will be so removed. The remainder of the bills to be paid shall be voted on as a single item. Any item removed from the consent agenda shall be considered separately.

(N) Section 2.05 of the Open Meetings Act (5 ILCS 120/2.05) provides that any person may record a public meeting by tape, film or other means. The section also provides that the authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings. Pursuant to this Act, the village has adopted the following rules.

(1) Audio recording devices will be allowed to be placed on the tables before the meeting begins. Once the meeting is called to order the devices must remain undisturbed until the meeting is adjourned or recessed. Audio recording devices will record only the speaker's voice and whatever amplification or public address system the Board chooses to use. Devices besides those solely designed to record the proceedings will not be allowed.

(2) Video recording devices will be allowed from the back row of seats only. All video recorders and cameras will use only the ambient lighting provided. Auxiliary lighting and flash photograph will not be permitted. Devices besides those solely designed to record the proceedings will not be allowed. Statutes (735 ILCS 5/8-701) expressly allow witnesses who are giving testimony to request that video cameras be turned off during their testimony. If a witness requests his or her testimony not be visually recorded the operator of the video camera will turn off his or her recording device for the duration of the testimony.

(1975 Code, ' 2-104) (Ord. 11-2, passed 1-18-2011)

' 30.05 RECORDS.

The Village Clerk shall keep the records and minutes of the Board proceedings.
(1975 Code, ' 2-105)

' 30.06 BOARD; POWERS AND DUTIES.

(A) The Board shall exercise all legislative powers, functions and duties conferred upon the village and its officers. It shall make orders for the doing of work, or the construction of any improvements of streets, waterways, bridges and buildings. It should levy all taxes, appropriate all funds, order audits, allow all bills, accounts, payrolls and claims and order payment.

(B) The Board shall make or authorize the making of all contracts and no contracts shall be binding upon the village unless made by ordinance or resolution adopted by the Board. All department chairpersons and officers of each department are agents of the Board. Their acts are subject to the review and approval and ratification of the Board. Each chairperson shall report to the Board at each regular meeting. The Board may by resolution assign to a trustee, officer or employees' duties in

respect to the business of other departments and such service shall be rendered without additional compensation.

(1975 Code, ' 2-106)

' 30.07 ANNUAL AUDIT.

At the end of each fiscal year the Board shall order an audit of the books and records of the village to be made by a competent accountant and shall publish the results of this examination as provided by law. Each Trustee and the President shall be furnished with a copy of this audit.

(1975 Code, ' 2-107)

' 30.08 ATTENDANCE BY VIDEO OR AUDIO CONFERENCE.

A member of the Board may attend a meeting by video or audio conference if a quorum is physically present and a majority of the members physically attending approve the video or audio conferencing. The member who cannot attend may attend by video or audio conference if he or she is unable to attend due to personal or family illness, employment reasons or business for the village. The member wishing to attend by video or audio conference must if at all practical notify the Clerk before the meeting of his or her desire to attend by conferencing.

(Ord. 2010-2, passed 2-16-2010)

' 30.09 PUBLIC COMMENT.

(A) Public comment shall be listed on each regularly scheduled Village Board meeting and persons shall be allowed to address the Village Board as set forth in this chapter.

(B) It shall be the policy of the Village Board that any person may address the Village Board at its regular meetings under the public comment agenda item. Public comment shall be limited to three minutes per speaker to speak on any matter pertinent to issues or matters relating to the village. The three-minute time limit shall apply unless the Village Board, by a majority vote, sets a lower or higher time limit for comment on a particular subject which shall apply to all speakers during that public comment section. After a reasonable period of time has been devoted to public comment, the public comment section may be closed upon a motion and second of the Village Board and a majority vote in favor thereof.

(C) If questions are asked during a speaker=s allotted time, a village official, if any, who has a response to the question, may attempt to respond to the question. If a response is not immediately available, the village may, but shall not be required to, attempt to respond to the question on or before the next Village Board meeting. Responses will not be provided to questions dealing with matters appropriate for executive session discussion only.

(D) If numerous persons wish to speak on a single topic, the Village Board may recognize a number of individuals who wish to speak in favor of, against or wish to make general comments

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regarding the issue. The village shall not be required to allow every person who wishes to address the issue to do so, but as many views as possible should be heard. Any person who is not able to speak during a public comment period shall be allowed and encouraged to present his or her views to the village in writing.

(E) All comments must be civil in nature. Any person who engages in threatening or disorderly behavior when addressing the Village Board shall be deemed out-of-order by the presiding officer and his or her time ceased to address the Village Board at said meeting.

(F) Public comment shall be allowed in a similar manner at all committee meetings or meetings of subsidiary bodies of the village.
(Ord. 11-4, passed 5-17-2011)

CHAPTER 31: EMPLOYEES AND OFFICIALS

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GENERAL PROVISIONS

' 31.001 SALARIES.

Officers of the village shall receive compensation as set from time to time by the Village Board, and salary provisions are hereby adopted by reference. (1975 Code, ' 11-101) (Ord. 2015-04-21, passed - -)

' 31.002 HOURLY EMPLOYEES; PAY.

(A) *Starting pay.* Starting pay shall be an hourly amount as determined by the Village Board at the time of hiring.

(B) *Probationary period.* All hourly employees shall serve a probationary period of six months commencing upon the date of hire. During the probationary period, an employee may be discharged from employment for any lawful reason.

(C) *Probationary review.* Upon successful completion of the probationary period, the Village Board may grant a wage increase to the employee as determined by the Board.

(D) *Annual review.* Each employee=s work performance shall be reviewed annually on or before the employee=s anniversary date of employment. The Village Board may, in its sole discretion, grant a wage increase to an employee provided the employee has a successful annual review. The amount of any wage increase, if any, shall be determined by the Village Board.

(E) *Overtime.* Employees shall be entitled to overtime pay at time and one-half (one and one-half times the hourly rate) of their hourly rate for time worked over 40 hours in a work week as required by law.

(F) *Premium pay.* Employees will be entitled to double time (two times the hourly rate) of their hourly rate for work on the following days:

- (1) Sunday;
- (2) New Year=s Day;
- (3) Memorial Day;
- (4) Fourth of July;

- (5) Labor Day;
- (6) Thanksgiving Day; and
- (7) Christmas Day.

(G) *Work week.* Employees work week shall be seven days starting on Monday and ending on the following Sunday.

(Ord. 2016-11-22, passed 11-22-2016; Ord. 2018-3-20, passed 3-20-2018)

' 31.003 APPOINTMENTS.

The President, with the consent of the Board, shall make appointments to fill all appointive offices, and employees shall be selected by the President, in the absence of provision to the contrary; provided that full time members of the Police and Fire Departments shall be subject to their rules and regulations; governing their appointments.

(1975 Code, ' 10-102)

' 31.004 TERMS OF OFFICE; VACANCIES.

Every appointive officer of the village shall hold office for a term of one year or until his or her successor is appointed and qualified unless it is otherwise provided by law or ordinance. Employees selected shall serve so long as their services are desired.

(1975 Code, ' 10-102)

' 31.005 ASSIGNMENT OF DUTIES.

The President shall have the power to assign to any appointive office any duty which is not assigned by ordinance to some other specific officer, and shall determine disputes or questions relating to the respective powers or duties of officers.

(1975 Code, ' 10-103)

' 31.006 RECORDS.

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

(1975 Code, ' 10-104)

' 31.007 MONEYS RECEIVED.

Every officer of the village shall at least once every day turn over all moneys received by him or

her in his or her official capacity to the Village Treasurer with a statement which shows the source from which the same was received.

(1975 Code, ' 10-105)

' 31.008 OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of ' ' 5 through 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 section) 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.

(B) 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.

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

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

(E) For purposes of this section, the terms officer and employee shall be defined as set forth in 5 ILCS 430/70-5(c).

(F) The penalties for violations of this section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

(G) This section 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 section, however, the provisions of this section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(H) Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section 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 section by reference without formal action by the corporate authorities of the village.

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

(J) If the Illinois 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 section shall remain in full force and effect; however, that part

of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village.

(Ord. passed 5-18-2004)

' 31.009 CHAIRPERSON OF THE WATER DEPARTMENT.

The President shall appoint a Trustee to act as a Chairperson of the Water Department for the village, who shall have general control and supervision of the potable water distribution system in the village. The Chairperson shall supervise the Department and its employees. All expenditures for the Department shall be approved by ordinance.

(Ord. 09-10e, passed 10-27-2009)

' 31.010 DRAINAGE CHAIRPERSON.

The President shall appoint a Trustee to act as Chairperson of the Department of Drainage who shall be responsible for all culverts, ditches, tiling and flooding issues for the village. The Chairperson shall supervise the Department and its employees. All expenditures for the Department shall be approved by ordinance.

(Ord. 09-10e, passed 10-27-2009)

' 31.011 ADMINISTRATION OF OATHS.

Any village officer, including any elected village official, has the authority to administer oaths of office within the village.

(Ord. 2009-9a, passed 3-17-2009)

' 31.012 OFFICE OF COLLECTOR.

(A) *Creation.* There is hereby created the office of Collector, permitted by statute (65 ILCS 5/3.1-30-5 which shall be an appointed office, which shall be held by the Village Clerk, as also permitted by statute (65 ILCS 5/3.1-35-120).

(B) *Compensation.* The Collector will be compensated at the wage scale set by the Board of Trustees, and this compensation will be separate and in addition to compensation established for the office of Village Clerk, as permitted by state statute (65 ILCS 5/3.1-50-25).

(C) *Bond.* The bond executed for Village Clerk shall also cover the Collector if the same person holds the position.

(D) *Duties.*

(1) Insofar as the duties of the Collector will involve handling of moneys, and will coincide with duties shared by the Village Clerk, the same requirements stated will apply.

(2) All moneys received will be turned over to the Village Treasurer promptly upon receipt of the same, and with such moneys will give a statement as to the source thereof.

(E) *Accounts.* The Collector shall keep accounts showing moneys received and source and disposition thereof, and other such accounts as may be required by statute or ordinance.

(F) *Additional duties.* In addition to the duties herein provided, the Collector shall perform other such duties and functions as may be requires by statue or ordinance.

(G) *Discontinuation of office.* The Board of Trustees may discontinue this office and devolve the duties of this office upon a two-thirds majority vote, to take effect at the end of the current fiscal year in which said vote was taken, as per state statute.

(Ord. 2009-3a, passed 3-17-2009)

' 31.013 VILLAGE ATTORNEY.

(A) *Appointment.* There is hereby created the office of Corporate Counsel. The President, with the advice and consent of the Village Board, shall retain an attorney to act as legal advisor to the village.
(1975 Code, ' 9-101)

(B) *Suits and actions.* The Village Attorney shall prosecute or defend any and all suits or actions at law or equity to which the village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the village on behalf of the village or in the capacity of such person as an officer of the village.
(1975 Code, ' 9-102)

(C) *Advice.* The Village Attorney shall be the legal advisor of the village and shall render advice on all legal questions affecting the village, whenever requested to do so by any village official. Upon request by the President or Village Board, he or she shall reduce such opinion to writing.
(1975 Code, ' 9-103)

(D) *Drafting ordinances and contracts.* It shall be the duty of the Village Board to draft or supervise the phraseology of any contracts, leases or other documents or instruments, to which the village may be a party; and to draft ordinances and resolutions covering any subjects within the powers of the municipality.
(1975 Code, ' 9-104)

' 31.014 SEXUAL HARASSMENT.

(A) *Background.* Harassment on the basis of a person=s sex by a supervisor, coworker or other person is a discriminatory practice winch violates Title VII of the Civil Rights Act of 1964 and regulations passed by the United States Equal Employment Opportunity Commission and Illinois Human Rights Act. Aside from being illegal, sexual harassment undermines the integrity of individual work relationships and damages the morale of the entire work force.

(B) *Policy.* It is the policy of the village that all employees are entitled to work in an environment free from all forms of illegal discrimination including discrimination based upon a person=s sex. Accordingly, any practice or activity that constitutes sexual harassment is strictly forbidden within village work places and shall, if substantiated in accordance with this policy, result in disciplinary action.

(C) *Prohibited conduct.*

(1) *Definition.* **SEXUAL HARASSMENT** is defined as an unwelcome sexual advance, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person=s employment;

(b) Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person;

(c) Such conduct has the purpose or effect of unreasonably interfering with a person=s work performance; or

(d) Such conduct creates an intimidating, hostile or offensive work environment.

(2) *Sanctions.* Sexual harassment is a serious violation of the work rules of the village and, if proven, shall be grounds for the imposition of discipline. Potential sanctions for the offense shall range from a minimum of a five days suspension without pay to termination, depending upon the following:

(a) The individual facts of any given case; and

(b) The employment record of the person committing such harassment.

(D) *Employee rights.* Any employee who believes that another employee is engaging in sexual harassments shall file a complaint as hereafter provided within a reasonable period of time after the event, but not more than 180 days after the event.

(E) *Retaliation prohibited.* No person filing a complaint under this policy or who legitimately assists another in the prosecution of any such complaint shall be subjected to retribution or retaliation of any kind for doing so.

(F) *Filing complaints.*

(1) *Filing of complaints.* All complaints of sexual harassment shall be filed with either an immediate supervisor or in the alternative with the Mayor or Village Attorney.

(2) *Investigation.*

(a) Complaints filed under this policy shall be promptly and thoroughly investigated by an individual designated by the Mayor.

(b) Upon completion of the investigation, the person conducting the investigation shall prepare a report addressing all allegations in the complaint and objectively documenting all relevant factual findings of the investigation. The investigatory report shall contain neither conclusions concerning the complaint nor recommendations as to disposition.

(c) The investigative report shall be presented to the Mayor upon completion and within 15 days after receipt of the complaint. This time requirement may be extended by the Mayor, in writing, upon request of the investigator and good cause shown for such an extension.

(G) *Adjudication.*

(1) All complaints of sexual harassment shall be adjudicated by the Mayor or the Mayor's designee in the event the Mayor is unable to discharge this duty. Such adjudicative hearing shall be closed to the public.

(2) Upon receipt of the completed investigative report, the Mayor, or designee, shall conduct an administrative hearing at which the report shall be presented and considered. Hearings shall be conducted before a court reporter empowered to take testimony under oath. The court reporter shall require all witnesses to provide testimony under oath and shall prepare a verbatim transcription or recording of the proceedings which shall serve as the official record of the hearing.

(3) The accused employee shall be notified, in writing, at least ten days before the hearing of the complaint and the underlying allegations. The accused employee may request one postponement of the hearing upon receipt of the notice in order to obtain legal counsel; however, the delay occasioned by such request shall not exceed 30 days from the date of receipt of the notice by the accused employee.

(4) The accused employee shall be entitled to attend the hearing and testify in his or her own behalf, and shall be entitled to confront and cross-examine the employee who filed the complaint. In the event that the complainant elects not to attend the administrative hearing and upon objection from the accused to the complainant's absence, the complaint may be dismissed and the accused deemed innocent of the allegations.

(5) The accused employee shall be entitled to call witnesses in his or her own behalf and to introduce evidence which bears upon the issues presented by the complaint and investigative report.

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(6) At the conclusion of the hearing, or within five days thereafter, the Mayor, or designee, shall make findings concerning the innocence or guilt of the accused to the offense of sexual harassment.

(7) A finding of guilt must be supported by substantial, credible evidence that:

- (a) The facts alleged by the complaint to have occurred are true;
- (b) Those facts constitute sexual harassment within the meaning of this policy; and
- (c) The accused is the person who committed the acts amounting to sexual harassment.

(H) *Responsibility.*

(1) *Supervisors.* Each supervisor has a responsibility to maintain the work place free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment.

(2) *Village.* It is the responsibility of the village to:

(a) Provide information to managers and supervisors regarding this policy specifically, and sexual harassment generally; the gravity of such behavior; and the procedure to be employed in the event a complaint of sexual harassment is made or conduct amounting to sexual harassment is observed; and

(b) Provide necessary training to managers and supervisors in order to reduce the likelihood of sexual harassment in the work place.

(I) *False accusations.* Due to the serious and private nature of this offense, false accusations of sexual harassment are, and will be treated as, a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

(Ord. 2017-19-12, passed 12-19-2017)

VILLAGE CLERK**' 31.025 ELECTION.**

There is hereby created the office of Village Clerk, who shall be elected by a majority vote of the Village Board.

(1975 Code, ' 7-101)

' 31.026 TERM; UNDER CONTROL OF CHAIRPERSON OF ACCOUNTS AND FINANCES.

(A) The Village Clerk shall hold his or her office for a term of four years and until his or her successor is elected and has qualified.

(B) His or her duties shall be such as are prescribed by law or ordinance, and in addition thereto such other duties as may be imposed upon him or her from time to time by the Village Board or the Chairperson of Accounts and Finances.

(C) He or she shall be under the direction and supervision of said Chairperson of Accounts and Finances.

(1975 Code, ' 7-102)

' 31.027 BOND; OATH.

Before entering upon the duties of his or her office, he or she shall take the oath prescribed for all village officers, and execute and deliver a bond payable to the village in the penal sum of \$5,000 with sureties to be approved by the Village Board, conditioned upon the faithful performance of the duties of his or her office, which bond shall be filed with the Village Treasurer.

(1975 Code, ' 7-103)

' 31.028 FEES; PROPERTY OF VILLAGE.

All fees payable by law to the Village Clerk shall be the property of the village.

(1975 Code, ' 7-104)

' 31.029 CORPORATE SEAL.

The Village Clerk shall keep the corporate seal, to be provided under the direction of the Village Board, and with the corporate seal shall attest all instruments and documents required to be so attested.

(1975 Code, ' 7-105)

' 31.030 ATTEND VILLAGE BOARD; CLERK THEREOF; RECORD.

The Village Clerk shall attend all meetings of the Village Board, and shall be Clerk of said Board, and shall keep a full record of its proceedings in the journal.

(1975 Code, ' 7-106)

' 31.031 RECORD OF ORDINANCES.

The Village Clerk shall record, in a book to be kept for that purpose, all ordinances passed by the Village Board, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the presentment, passage, approval, recording, publication or posting of such ordinance. (1975 Code, ' 7-107)

' 31.032 NOTICES; CLERK TO ISSUE.

The Village Clerk shall issue such notices as may be directed by the Village Board, and notify all persons whose attendance may be required before the Village Board or any committee thereof, and also shall issue notices of special meetings. (1975 Code, ' 7-108)

' 31.033 LICENSES; CLERK TO ATTEST.

The Village Clerk shall attest with the corporate seal all licenses granted by the Village Board under the ordinances of the village. (1975 Code, ' 7-109)

' 31.034 SHALL DELIVER ORDINANCES AND OTHER DOCUMENTS UPON REQUEST.

The Village Clerk shall, without delay, deliver to the President or any Chairperson:

(A) All resolutions and communications referring to such officers; and

(B) All ordinances and resolutions under his or her charge which may be required to be approved or otherwise acted upon by the President or which shall be requested by the President or any of the Chairpersons, together with all papers for which the same were founded. (1975 Code, ' 7-110)

' 31.035 MONTHLY STATEMENT.

The Village Clerk shall pay over monthly to the Village Treasurer all moneys received by him or her for the village on any account whatever, and shall submit a monthly statement thereof in writing to the Village Board, when required. (1975 Code, ' 7-111)

' 31.036 REGISTER OF CHECKS; RECEIPTS.

The Village Clerk shall keep in a suitable book an accurate list of all checks drawn upon the Village Treasurer. Said books shall show the date, number and amount of each, and the name of the person in whose favor drawn, and shall take the receipt of every person for every warrant upon delivery thereof.

(1975 Code, ' 7-112)

' 31.037 BILLS; CLAIMS; WHERE FILED; REPORT UPON; RECORD OF; OATH

(A) All bills, claims, demands and accounts against the village shall be filed in the office of the Village Clerk. He or she shall report to the Village Board upon all bills, claims, demands and accounts before they are acted upon or allowed, unless otherwise provided by law. He or she shall register all said bills, claims, demands, accounts and the like, in a book suitable for the purpose, and shall therein keep a record of the disposition of said bills, claims, demands, accounts and the like.

(B) He or she may require a statement in writing, under oath as to any fact, matter or thing concerning the justness of any such bills, claims, accounts and demands presented against the village.

(1975 Code, ' 7-113)

' 31.038 WARRANT FOR BILL.

The Village Clerk shall draw his or her checks which shall be signed by the Mayor or the Village Clerk and counter-signed by the Village Treasurer in due form, upon the Village Treasurer for all such bills, claims, accounts, demands, payrolls and the like, allowed by the Village Board.

(1975 Code, ' 7-114) (Ord. 719-11b, passed 7-19-2011)

' 31.039 DOCUMENT RETENTION.

The Village Clerk is responsible for the safekeeping of all documents whether paper or electronic belonging to the village. The Clerk shall retain all documents for five years from the earlier of the date on the document or the date of receipt Any document older than five years shall be destroyed. This rule shall not apply to ordinances, resolutions, the village code, the zoning code, to written contracts having terms lasting more than five years, to any documents which may create a liability lasting more than five years or to any other document designated for permanent storage by the President or the Village Attorney.

(1975 Code, ' 7-115) (Ord. 09-11d, passed 11-7-2009)

VILLAGE TREASURER**' 31.050 ELECTION.**

There is hereby created the office of Village Treasurer, who shall be appointed annually by a majority vote of the Village Board on the first meeting in May of each year or as soon thereafter as is practicable.

(1975 Code, ' 8-101)

' 31.051 TERM OF OFFICE.

He or she shall hold his or her office for the term of one year and until his or her successor is appointed and has qualified. His or her duties shall be such as are prescribed by law or ordinance, and in addition thereto such other duties as may be imposed upon him or her from time to time by the Village Board.

(1975 Code, ' 8-102)

' 31.052 BOND; OATH.

Before entering upon the duties of his or her office, he or she shall take the oath prescribed for all village officers, and shall execute and deliver a bond payable to the village in the penal sum of \$5,000 with sureties to be approved by the Village Board.

(1975 Code, ' 8-103)

' 31.053 SHALL RECEIVE CORPORATE MONEY; ACCOUNTS.

The Village Treasurer shall receive all moneys belonging to the corporation and shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

(1975 Code, ' 8-104)

' 31.054 MONTHLY ACCOUNT.

The Village Treasurer shall render at the end of each month, and more often if required, an account to the Chairperson of Accounts and Finances, showing the state of the treasury at the date of such account and the balance of the money in the treasury. He or she shall also accompany such account, with a statement of all moneys received in the treasury and on what account, together with all warrants redeemed and paid by him or her when requested.

(1975 Code, ' 8-105)

' 31.055 REGISTER AND CANCEL WARRANTS.

The Village Treasurer shall keep an accurate register of all warrants redeemed and paid by him or her, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and where paid, and he or she shall cancel all warrants as soon as redeemed by him or her.

(1975 Code, ' 8-106)

' 31.056 SPECIAL ASSESSMENT FUND KEPT SEPARATE.

All moneys received on any special assessment shall be held by said Village Treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall not be used for any other purpose whatever, unless to reimburse the village for money expended for such improvement out of its General Fund.

(1975 Code, ' 8-107)

' 31.057 RECEIPTS.

The Village Treasurer shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid, and he or she shall also file copies of such receipts with the Village Clerk at the date of his or her monthly reports.

(1975 Code, ' 8-108)

' 31.058 KEEP CORPORATE MONEY SEPARATE; PRIVATE USE.

The Village Treasurer shall keep all moneys belonging to the corporation in his or her hands separate and distinct from his or her own moneys and he or she hereby expressly is prohibited from using, either directly or indirectly, the corporation money or warrants in his or her custody and keeping for his or her own use and benefit, or that of any other person or persons whomsoever. Any violation of this provision shall subject him or her to immediate removal from his or her office by the Village Board, which is authorized to declare said office vacant and in which case a successor shall be appointed who shall hold his or her office for the remainder of the unexpired term of such officer so removed.

(1975 Code, ' 8-109) Penalty, see ' 10.99

' 31.059 WARRANTS; HOW SIGNED; CONTENTS.

All warrants drawn upon the Treasurer must be signed by the President of the Village Board, the Village Clerk, and countersigned by the Treasurer, stating the particular fund to which the same shall be chargeable and the person to whom payable. No money shall be otherwise paid than upon such warrant so drawn, excepting as otherwise provided by law.

(1975 Code, ' 8-110)

' 31.060 DAILY DEPOSITS.

The said Village Treasurer shall make daily deposits of such sums of money as shall be received by him or her from all sources of revenue whatsoever, to his or her credit, as Treasurer of the village, in the bank designated as the village depository as hereinafter prescribed.

(1975 Code, ' 8-111)

' 31.061 CITY DEPOSITORY; SELECTION; INTEREST; COLLECTION OF; BOND.

(A) The moneys of the village shall be deposited in a bank located in the City of Clinton, to be selected by the Village Board.

(B) The said President, Chairperson of Accounts and Finances and the Village Treasurer, in the selection of any such depository bank, shall take into consideration the reputation and solvency thereof and the sufficiency of the security offered by such bank.

(C) All interest paid by any such bank upon any balance shall be collected by the Village Treasurer, and shall be reported by him or her in his or her next statement showing such collection and shall be considered and treated as part of the General Fund of the village, subject to use for any legitimate municipal purpose.

(1975 Code, ' 8-112)

' 31.062 ANNUAL ACCOUNT; PUBLICATION.

The said Village Treasurer shall annually, by September 1, make out and file with the Village Clerk, a full and detailed account of all his or her receipts and expenditures, and of all his or her transactions as such Treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year.

(1975 Code, ' 8-113)

' 31.063 BOOKS; CONTENTS OF; OPEN TO EXAMINATION.

He or she shall open and keep in a neat and methodical manner a complete set of books, in which, among other things, shall be set forth the appropriations of the fiscal year for each distinct object and branch of expenditures, and also the receipts from each and every source of revenue, so far as he or she can ascertain the same. Said books, and all contracts, bonds, debts, warrants, vouchers, receipts and other papers kept in his or her office, shall be subject to the examination of the President and Chairpersons at all reasonable hours.

(1975 Code, ' 8-114)

' 31.064 ACCOUNTS OF REVENUE, DEBTS, BONDS AND THE LIKE.

(A) Said Village Treasurer shall keep a detailed account of the village=s revenue, and of each separate fund, crediting the same with all its receipts or appropriations and charging it with all warrants drawn thereon; and he or she shall charge each warrant to the fund or appropriation against which it is drawn.

(B) He or she shall also keep an accurate account of all debts due from or owing to the village and shall keep a book in which he or she shall enter a correct list of all bonds, notes or other obligations given by or payable to said village, with the date thereof, the person to whom or by whom payable, and such other particulars as may be necessary to the full understanding thereof.

(1975 Code, ' 8-115)

' 31.065 BOND REGISTER; REPORT.

Said Village Treasurer shall keep in his or her office in a book expressly for that purpose, to be known as the bond register, a full and correct list of all outstanding bonds of said village, showing the number, amount, time of maturity, rate of interest and place of payment of each bond; and for what and to whom the same was issued; and when any village bonds are surrendered, canceled or paid, said register shall show the fact, and in his or her annual report to the Village Board, the said Treasurer shall describe particularly the bonds sold, exchanged or redeemed during the fiscal year and give an itemized statement of the expenses thereof.

(1975 Code, ' 8-116)

' 31.066 RECORDS OF COLLECTIONS.

He or she shall keep a complete record of all money turned over to him or her by any department, and he or she shall keep a complete record of all of the said payments made by any department.

(1975 Code, ' 8-117)

' 31.067 PAYMENT OF CERTAIN BILLS.

(A) By virtue of the authority granted to the Treasurer by Ord. 09-11A, the Treasurer is authorized to pay the following invoices upon receipt or within the first due date set forth in the invoice as negotiated with the vendor; without prior approval of the Board but only after approval of the department head responsible for the invoice and the Chair of Accounts and Finance:

- (1) Any utility; and
- (2) Any regular provider of services to the village.

(B) In his or her regular report to the Board of Trustees, the Treasurer must include each bill paid in the consent agenda items for ratification of his or her payment.

(1975 Code, ' 8-118) (Ord. 09-11b, passed 11-18-2009)

VILLAGE PRESIDENT

' 31.080 DUTIES.

(A) The President shall be the chief executive officer of the village, and shall preside over the meetings of the Board. He or she shall perform all duties as required of him or her by all statutes and all ordinances. He or she shall have general supervision and oversight of all departments and offices of the village government. This authority for general supervision does not include the right to intercede with day to day operations of a department or to supervise the employees of a department absent an emergency or the unavailability of the department head. All employees of a particular department shall report directly to the Department Chairperson and any concerns, grievances or items of discussion by an employee must be first presented to the Chairperson of the department. If the Chairperson desires to have the President involved in the matter he or she may do so or the President may under his or her general supervision authority speak to the Chairperson about the subject matter. If the President has a concern about the performance of an employee of a department he or she may not direct his or her concerns to the employee, but must direct his or her concerns to the Chairperson.

(B) The President shall be the supervisor of the Village Attorney.

(C) The President shall be the ESDA liaison officer to the county emergency services and disaster agency.

(1975 Code, ' 3-101) (Ord. 09-10d, passed 10-27-2009; Ord. 2010-1, passed 1-26-2010)

' 31.081 APPOINTMENT OF OFFICERS.

The President shall appoint with the advice and consent of the Village Board all officers of the village whose election or appointment is not otherwise provided for by law.

(1975 Code, ' 3-102) (Ord. 09-10d, passed 10-27-2009)

' 31.082 DESIGNATION OF OFFICERS; DUTIES.

Whenever there is a dispute as to the respected duties or the power of any appointed officer of the village this dispute shall be settled by the President after such consultation with the Village Attorney he or she deems necessary.

(1975 Code, ' 3-103) (Ord. 09-10d, passed 10-27-2009)

' 31.083 PRESIDENT PRO TEM.

During any absence or disability of a President, the Village Board shall elect one of its members to

act as President Pro Tem. This person shall possess the powers of President during the absence or disability.

(1975 Code, ' 3-104) (Ord. 09-10d, passed 10-27-2009)

' 31.084 OATH.

(A) Before entering upon the duties of office, the President shall take and subscribe the oath or affirmation described by the Constitution of the state. This oath or affirmation shall be signed by the President and filed with the Village Clerk.

(B) The President shall also sign and deliver a bond payable to the village in the sum of \$5,000 with sureties to be approved by the Village Board.

(C) The bond shall be filed with the Village Treasurer.

(1975 Code, ' 3-105) (Ord. 09-10d, passed 10-27-2009)

' 31.085 SIGNATURE.

The President shall sign all contracts on behalf of the village. The President shall sign all deeds for the sale of any real estate authorized by the Board and is authorized to sign any other documents necessary to convey or purchase real estate after approval by the Board in accordance with law.

(1975 Code, ' 3-106) (Ord. 09-10d, passed 10-27-2009)

CHAIRPERSON OF ACCOUNTS AND FINANCES

' 31.100 GENERAL POWERS; SUBORDINATES.

(A) The Chairperson of Accounts and Finances shall have general supervision and control over all matters relating to the finances or revenues of the village, and he or she shall have supervision over the activities of all officers, boards and departments in so far as said activities directly affect the city's finances or revenues.

(B) The Village Clerk, Village Treasurer, Village Collector and their respective offices or departments, and all employees therein, all bookkeepers and accountants are apportioned and assigned to the Department of Accounts and Finances, and shall be under the direction and supervision of the Chairperson thereof, together with such other employees as are necessary in said department. Parking meters and employees in regard thereto shall be under said Chairperson.

(1975 Code, ' 4-101)

' 31.101 BOND.

Before entering upon the duties of his or her office, he or she shall execute a bond payable to the village in the penal sum of \$10,000, with sureties to be approved by the Associate Judge of the Circuit Court of the county, conditioned upon the faithful performance of the duties of his or her office. The said bond shall be filed in the office of the County Clerk.

(1975 Code, ' 4-102)

' 31.102 SUPERVISION OVER BOOKS AND ACCOUNTS.

He or she shall prescribe the manner in which books of the several departments, insofar as they concern the receipt and disbursement of the village funds, are kept, in order to establish uniformity therein, and he or she shall see that these accounts are regularly and correctly kept. He or she shall have the authority to charge a late fee up to \$10 per month for any account due the village not paid within 30 days.

(1975 Code, ' 4-103) (Ord. 11-3, passed 1-18-2011)

' 31.103 AUDIT OF ACCOUNTS AND REPORTS.

He or she shall audit, or cause to be audited, at frequent intervals the accounts of every officer or employee who does or may receive or disburse money, and shall examine and audit the reports of Village Treasurer, and annual reports of all other officers of the village handling village funds.

(1975 Code, ' 4-104)

' 31.104 FISCAL YEAR.

The fiscal year of the village shall commence on July 1 in each year.

(1975 Code, ' 4-105)

' 31.105 PUBLIC SERVICE UTILITIES.

(A) The Chairperson of Accounts and Finances shall procure from all persons or corporations operating public service utilities in the city and cause to be placed on file such reports as they by law or ordinance or otherwise are required to make to the village or any of its officers, and he or she shall procure copies of such reports as are made to the state or to any public office or department, and shall cause the same to be placed on file, and shall collect, or cause to be collected all license fees, franchise taxes, rentals or other moneys which may be due or become due to the village.

(B) He or she shall report to the Board of Trustees any failures to make reports or pay money due to the village, with such recommendations in relation thereto as he or she may deem proper. He or she shall, whenever the village has authority so to do, cause to be examined the accounts and records of any person or corporation operating a public service utility in the village and shall report to the Board any refusal to permit such examination.

(1975 Code, ' 4-106)

' 31.106 SHALL BE PURCHASING AGENT; CUSTODY OF DEEDS, AND THE LIKE.

The Chairperson of Accounts and Finances shall be the fiscal agent of the village, and he or she shall be the purchasing agent, and as such shall have charge and custody of all deeds, bonds, contracts, mortgages, notes, warrants, vouchers, books and papers belonging to the village, except such as by law or ordinance are directed to be deposited elsewhere.

(1975 Code, ' 4-107)

' 31.107 PRINTING AND SUPPLIES; REQUISITION FOR.

The Chairperson of Accounts and Finances shall have charge of and supervision over all printing by or for the village unless otherwise provided by law. He or she shall have charge of and supervision over the purchase, care and distribution of all supplies for all departments, unless otherwise provided by law or ordinance, and all articles or things shall be ordered or purchased only on a requisition on the Chairperson of Accounts and Finances signed by the Chairperson for whose department the said article is to be purchased.

(1975 Code, ' 4-108)

' 31.108 PURCHASES; MUST BE AUTHORIZED WHEN.

All purchases of goods of the value of \$500 or more shall be approved by a majority of the Chairpersons before such purchase is made or any contract entered into therefor.

(1975 Code, ' 4-109)

' 31.109 MONTHLY REPORTS BY OFFICERS HANDLING MONEY; PROCEEDINGS IN CASE OF DEFAULT.

He or she shall require all officers charged in any manner with the receipt, collection or disbursement of the village revenues to submit monthly reports in writing, showing in detail all such receipts, collections and disbursements, and to file the same in his or her office; and if any such officer shall neglect to make such report or to adjust his or her accounts whenever so required by said Chairperson, and to pay over to the proper officer any money in his or her possession belonging to the village, it shall be the duty of the said Chairperson to cause a written notice to be served on such officer and his or her sureties demanding a settlement of his or her accounts with the village forthwith; and in case of the neglect or refusal of such officer to make such settlement and pay over such moneys for a period of ten days after the service of said notice, the said Chairperson shall report such officer to the Mayor for his or her action in the matter; and proceedings shall be instituted at once against such delinquent officer and his or her sureties for the recovery of any money due said village.

(1975 Code, ' 4-110)

' 31.110 APPROPRIATION; NO WARRANT AGAINST WHEN EXHAUSTED.

Whenever any fund or appropriation is exhausted, the said Chairperson shall without delay notify the Board of Trustees thereof.

(1975 Code, ' 4-111)

' 31.111 UNEXPENDED BALANCES TO GENERAL FUND.

It shall be the duty of said Village Board to transfer and place to the credit of the General Fund all unexpended balances of appropriation of former years remaining at the time that the annual appropriation ordinance of each year goes into effect; provided, that no such transfer shall be made or disposition ordered of any trust fund, or any fund arising from special assessment or special taxation; nor in case where contracts have been made or liabilities incurred on account of any such appropriation and remain uncompleted or unpaid at the time the appropriation ordinance goes into effect; nor of any fund created for any purpose or the payment of any liability exclusively provided for by taxation.

(1975 Code, ' 4-112)

' 31.112 IMPROVEMENTS; RECORD OF; VALIDITY OF CONTRACT FOR.

Said Chairperson shall keep in the Village Clerk=s office a correct list of all local or public improvements ordered by the Village Board and let under contract by the village; and all contracts and specifications therefor, made by authority of the Village Board, or by any officer or corporation pursuant thereto in relation to such improvements, shall be filed in the said office, and no such contract shall be valid unless countersigned by the President.

(1975 Code, ' 4-113)

' 31.113 ATTEND TAX SALES.

The said Chairperson shall be authorized and it is hereby made his or her duty, to attend all sales of real estate in said village made under proceedings in the Circuit Court of the county to enforce the collection of any special tax or special assessment levied and assessed by ordinance of the Village Board for any public improvement, and to bid at such sales on behalf of the village.

(1975 Code, ' 4-114)

' 31.114 ANNUAL REPORT; PUBLICATION.

Said Chairperson, within five months after May 1 in each year, shall make out an annual report for publication, giving a statement of all the receipts and revenues and expenditures of said city during the preceding year. Said report shall also detail the condition of all unexpended appropriations, the balance of money then remaining in the treasury, and all other matters necessary to exhibit the true financial condition of the village, which report, when examined and approved by the Village Board, shall be published by said Trustees without delay.

(1975 Code, ' 4-115)

' 31.115 ANNUAL ESTIMATE.

(A) In addition to his or her other duties, the said Chairperson, on or before May 15 in each year and before the annual appropriations are made by the Village Board, shall submit to the said Village Board a statement of his or her estimates, as nearly as may be, of the moneys necessary to defray the expenses of the village during the current fiscal year. He or she shall in said statement classify the different objects and branches of expenditures, giving the amount required for each, as nearly as may be, and for the purpose of making such statement, he or she is authorized to require of all city officers statements of the condition and expenses of their respective offices or departments, with any proposed improvements and probable expenses thereof, and of all contracts made and uncompleted, and the amount of any and all unexpended appropriations of the preceding fiscal year.

(B) He or she shall also in such statement show the aggregate income of the preceding fiscal year from all sources, and amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year; when due and when payable; and he or she shall give therein such other information to the Village Board as he or she may deem necessary to the end, and that said Village Board may fully understand the money exigencies and demands upon the village for the current year.

(1975 Code, ' 4-116)

CHAPTER 32: POLICIES AND PROCEDURES

Section

General Provisions

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- 32.03 National Incident Management System
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- 32.99 Penalty

Cross-reference:

Gambling, see ' ' 130.01 through 130.04
Sexual harassment policy, see ' ' 31.014

GENERAL PROVISIONS

' 32.01 PREVAILING WAGE ACT.

In accordance with the requirements of the Illinois Prevailing Wage Act and specifically 820 ILCS 130/4, it is ordained by the Board of Trustees and the President of the village that all contracts for public work shall be pay for labor of each craft at the prevailing wage as then determined by State Department of Labor. This section applies to all general and subcontractors who employer laborers who are fulfilling contracts for public works let by the village. This section shall be continuing and shall remain in effect for all fiscal years until repealed.

(Ord. 11-1, passed 1-18-2011)

' 32.02 USE OF PETTY CASH.

(A) *Recitals.* The recitals in the ordinance codified herein are incorporated as substantive portions hereof as though fully set forth herein.

(B) *Establishment of petty cash box.* The Village Board hereby adopts the following policy regarding the use of petty cash which shall provide as follows.

(C) *Petty cash policy.*

(1) This policy sets forth the procedures for the handling and use of petty cash moneys of the village. One petty cash box shall be located at the Village Hall and shall be secured by the Village Clerk. Unless otherwise designated, the Village Clerk shall be responsible for seeing that the total number of receipts and cash equal the amounts detailed herein, for keeping records of same, and for otherwise handling the petty cash box. The petty cash box shall be audited, both by a quarterly schedule and surprise, by the Chairperson of Accounts and Finances.

(2) Any village official who needs petty cash must fill out a Petty Cash Request Form and submit it to the Village Clerk who shall maintain a file of said requests. No one is allowed to take money from petty cash without a Petty Cash Request Form, which must be signed and approved by either the Village President or the Chairperson of Accounts and Finances. Petty cash shall further not be used to reimburse any village official unless a Petty Cash Request Form has been duly executed and approved and a receipt is provided with the Form. When petty cash is used to purchase an item or service, a receipt must be obtained and given to the Village Clerk.

(3) The petty cash box shall contain a maximum of only \$100 and a report of expenditures from petty cash shall be prepared by the Village Clerk and presented to the Village Board on a quarterly basis.

(Ord. 719-11a, passed 7-19-2011)

' **32.03 NATIONAL INCIDENT MANAGEMENT SYSTEM.**

It shall be the public policy of the village to adopt the NIMS concept of emergency planning and unified command. It shall further be the policy of this village to train the public official responsible for emergency management.

(Res. passed 9-20-2005)

' **32.04 EXPENSE REIMBURSEMENT POLICY.**

(A) *Purpose.* The village will reimburse employee and officer travel, meal and lodging expenses incurred in connection with approved travel, meal and lodging expenses incurred on behalf of the village. Employees and officers are expected to exercise the same care in incurring expenses for official business as a prudent person would in spending personal funds.

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

ENTERTAINMENT. 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.

MAXIMUM ALLOWABLE REIMBURSEMENT. The maximum amount that may be reimbursed for travel, meal and lodging expenses, which is set at \$2,500 per travel event.

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

(C) *Authorized types of official business.* Travel, meal and lodging expenses will be reimbursed for employees and officers of the village only for purposes of official business conducted on behalf of the village. These include but are not limited to off-site or out-of-town meetings related to official business and approved seminars, conferences and other educational events related to the employee=s or officer=s official duties. If you are unsure whether an expense is reimbursable, please contact the Mayor.

(D) *Categories of expenses.*

(1) *Airfare.* Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs. Travelers are encouraged to book flights at least 30 days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with his or her personal funds.

(2) *Personal automobiles.* Mileage reimbursement will be based on mileage from the work location office to the off-site location of the official business, not from the employee=s or officer=s

residence. When attending a training event or other off-site official business directly from an employee=s or officer=s residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the employee=s or officer=s normal commute, reimbursement will be paid based on the differential of the commute less the mileage of a normal commute to the workplace. An employee or officer will be reimbursed at the prevailing IRS mileage rate. The traveler will only be reimbursed up to the price of a coach airfare ticket if they drive to a location for which airfare would have been less expensive.

(3) *Automobile rentals.* Travelers will be reimbursed for the cost of renting an automobile including gasoline expense only as provided in this section. Travelers using rental cars to conduct official business are required to purchase insurance through the rental agency. Car rental insurance will cover the vehicle during personal use, e.g., using the vehicle after the conference has ended. Compact or mid- size cars are required for two or fewer employees or officers traveling together and a full-size vehicle may be used for three or more travelers. The traveler must refuel the vehicle before returning it to the rental company.

(4) *Public transportation.* In the case of local training or official business where an employee or officer chooses to use public transportation, reimbursement for use of public transportation is based on mileage from the agency office to the training site (not from the traveler=s residence), regardless of the transportation method chosen. When attending training or business directly from an employee=s or officer=s residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the traveler=s normal commute, reimbursement will be paid at the differential of the commute less the mileage of a normal commute to the workplace.

(5) *Other transportation.* The traveler should utilize hotel shuttle service or other shuttle services, if available. If none are offered, the use of the most economic transportation is encouraged.

(6) *Hotel/motel accommodations.* The traveler will be reimbursed for a standard single-room at locations convenient to the business activity. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges. Cancellation charges will not be reimbursed by the village unless approved by a vote of the Board of Trustees of the village.

(7) *Meals.* Meal reimbursement is limited to the current U.S. General Services Administration (GSA) regulations in place at the time the expense is occurred. Prior approval by the Board of Trustees of the village and submission of receipts are required for per diem allowances. Meals provided by the conference or seminar should be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that is not an overnight stay will be reimbursed for actual cost not to exceed the GSA regulations.

(8) *Vacation in conjunction with business travel.* In cases where vacation time is added to a business trip, any cost variance in airfare, car rental, lodging and/or any other expenses must be clearly identified on the Travel, Meal and Lodging Expense Report Form and paid by the traveler.

(9) *Accompanied travel.* When a traveler is accompanied by others not on official business, any lodging, transportation, meals or other expenses above those incurred for the authorized traveler will not be reimbursed by the village.

(10) *Parking.* Parking fees at a hotel/motel, conference center or other site will be reimbursed only with a receipt.

(11) *Entertainment expenses.* No employee or officer of the village shall be reimbursed for any entertainment expense, unless ancillary to the purpose of the program, event or other official business.

(E) *Approval of expenses.*

(1) *Expenses for members of the Village Board of Trustees.* All travel, meal and lodging expenses incurred by any member of the Board of Trustees of the village must be approved by roll call vote at an open meeting of the Board of Trustees.

(2) *Expenses for officials or employees other than members of the Board of Trustees.* Travel, meal, and lodging expenses incurred by any official or employee not covered by division (E)(1) above (member of the Board of Trustees) that is in excess of the maximum allowable reimbursement, as defined in division (B) above, must be approved by roll call vote at an open meeting of the Board of Trustees.

(3) *Advanced expenses.* Travel, meal and lodging expenses advanced as a per diem to any employee or official of the village must be approved by roll call vote at an open meeting of the Board of Trustees prior to payment. Documentation of expenses must be provided in accordance with divisions (C), (D) and (F) of this policy, and any excess from the per diem must be repaid.

(4) *Other expenses.* All other expenses that do not fall within divisions (E)(1), (E)(2) or (E)(3) above are subject to the Mayor's approval.

(F) *Documentation of expenses.*

(1) Before an expense for travel, meals or lodging may be approved under division (E) above, the following minimum documentation must first be submitted, in writing, to the Mayor on a Travel, Meal, and Lodging Expense Form:

(a) An estimate of the cost of travel, meals or lodging if expenses have not yet been incurred or a receipt of the cost of the travel, meals or lodging if the expenses have already been incurred;

(b) The name of the individual who received or is requesting the travel, meal or lodging expense;

(c) The job title or office of the individual who received or is requesting the travel, meal or lodging expense; and

Wapella - Administration

(d) The date or dates and nature of the official business for which the travel, meal or lodging expense was or will be expended.

(2) All documents and information submitted in connection with this policy are public records subject to disclosure under the Freedom of Information Act.

(G) *Travel, Meal, and Lodging Expense Report Form*. The village hereby adopts as its official standardized form for the submission of travel, meal, and lodging expenses the Travel, Meal, and Lodging Expense Report form attached to the ordinance codified herein and incorporated herein.

Village of Wapella

Travel, Meal and Lodging Expense
Reimbursement Form

Name of Official or Employee:

Title/Position of Official or Employees:

Name and Date of the Activity/Event:

Check Number (if applicable):

Credit Card Receipt Number (if applicable):

Description of the purpose of the expense:

Reimbursement Expense (estimated costs for pre-approval, or actual costs to be reimbursed, with receipts, if applicable):

Mileage: _____

Meals:

Parking: _____

Hotel/Lodging: _____

Car rental: _____

Airfare: _____

Other Transportation (bus, train, taxi, car share, shuttle, etc.):

Total Reimbursement Expense for the Travel Event: _____

Employee=s/Officer=s Signature: _____

Date: _____

Mayor=s Authorization: _____

Date: _____

ATTACH ALL RECEIPTS

(Ord. passed - -)

' 32.05 MUNICIPAL SERVICES DENIED.

(A) No person will be entitled to any privilege, license, permit, right or property zoning or subdivision entitlement or relief or the delivery of any municipal services such as water service or sewer service until all fines, fees and any other amounts of any kind then owed the village by such person are paid in full and until such person is in complete compliance with any and all provisions of the village code of ordinances, all other village rules, regulations, ordinances and resolutions and all applicable state and federal laws, rules, regulations and orders.

(B) The village shall provide notice to any person to be denied any village privilege, license, permit, right or property zoning or subdivision entitlement or relief, water service or sanitary sewer services prior to the denial of said privileges, rights or services.

(C) Any person to be denied any privilege, license, permit, right or property zoning or subdivision entitlement or relief, water service or sanitary sewer service by the village shall, upon notice from the

village, be entitled to a hearing before the Board of Trustees in order to dispute the determination by the village that such person has not paid in full any fine, fee or any other amounts of any kind then owed the village by such person or is not otherwise in complete compliance with any and all provisions of the village code of ordinances, all other rules, regulations, ordinances and resolutions and all applicable state and federal laws, rules, regulations and orders.

(D) Following a hearing before the Board of Trustees upon the request of any person to be denied privileges or services under the terms of this section, the Board of Trustees shall make a determination as to whether or not such person is entitled to relief from the provisions of this section, the terms of such relief and any other conditions affecting relief under this section.

(E) If the Board of Trustees determines that such person is not entitled to relief from the provisions of this section, then the Board of Trustees shall provide ten days notice to such person prior to terminating any services provided to such person.

(Ord. 4-17-2018, passed 4-17-2018)

' 32.06 DESTRUCTION OF CERTAIN RECORDS.

All requests for records filed with the village pursuant to the Illinois Freedom of Information Act, and all responses to said requests, shall be maintained by the Village Clerk for a period of two years, and may thereafter be destroyed provided the village obtains approval for the destruction of such records as required, pursuant to the Illinois Local Records Act.

(Ord. 2018-29-5, passed 5-29-2018)

' 32.07 PLAN FOR OPERATION AND MAINTENANCE OF WATER SYSTEM.

The village approves a plan for operation and maintenance of its water system relative to the following:

(A) The village has owned and operated a water treatment and distribution system for many decades. Substantially, all village residents are connected to the village water system.

(B) The village currently employs a licensed operator for the water system. The village will continue to employ or contract with a person properly licensed to operate the water system. The village will provide training opportunities to the water operator in order for the operator to maintain lawfully required certifications and licenses. Such training may be available by the state or other governmental agencies or private entities. The village will promptly engage a licensed water system operator should the current operator be unable to perform operator duties.

(C) The job description of the water system operator is as follows:

(1) The water system operator reports directly to the Mayor and the Board Committee assigned to supervise the water system; and

(2) The duties of the water system operator include, but are not limited to the following:

- (a) Supervise meter reading;
- (b) Supervise water loss detection;
- (c) Supervise installation of new services and connections of the water system;
- (d) Supervise operation of the water treatment plant and water quality control;
- (e) Supervise and recommend repairs and maintenance of the water system; and

(f) Regularly report concerns to the Mayor, Board Committee and any appropriate outside agency.

(D) The Village Board will oversee and authorize maintenance of the water system based on recommendations of the water system operator and inspections conducted by engineering firms engaged by the Board. Such major maintenance and repairs may include:

- (1) Tank painting, maintenance and repairs;
- (2) System distribution repairs;
- (3) Building painting and major repairs;
- (4) Emergency distribution line repairs; and
- (5) Other maintenance and repairs determined necessary by the Village Board.

(E) The village currently maintains an accounting and billing system for the water funds. The village will continue to maintain financial records for the water system in accordance with generally acceptable accounting practices.

(1) A description of the village accounting system is available at village hall or from the Village Treasurer.

(2) The Village Clerk, in cooperation with the Village Treasurer, is responsible for all water system accounting and billing. Bills shall be generated on a monthly basis pursuant to Chapter 51 of this code of ordinances and under the direction of the Mayor and appropriate Board Supervising Committee.

(3) The Board shall approve agreements for an auditor to audit municipal water funds. A copy is available at village hall.

(4) The Mayor will appoint the Village Treasurer (bookkeeper) subject to concurrence by the Village Board.

(5) All village officers and employees handling village funds shall be bonded.

(6) Pursuant to Chapter 51 of this code of ordinances and notice provided on customer bills, each water customer shall have a right to a hearing prior to disconnection of water service to such customer.

(Ord. 6-19-2018A, passed 6-19-2018)

Cross-reference:

Waterworks, see Chapter 51

LICENSES AND PERMITS

' 32.15 APPLICATIONS.

Applications for all licenses and permits required by ordinance shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid, and each application shall contain such additional information as may be needed for the proper guidance of the city officials in the issuing of the permit or license applied for.

(1975 Code, ' 19-101)

' 32.16 PERSON SUBJECT TO LICENSE.

Whenever in this code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation, shall be subject to the requirement if by himself or herself or through an agent, employee or partner, he or she holds himself or herself forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the city.

(1975 Code, ' 19-102)

' 32.17 FORMS.

Forms for all licenses and permits and applications therefor, shall be prepared and kept on file by the Village Clerk.

(1975 Code, ' 19-103)

' 32.18 SIGNATURES.

Each license or permit issued shall bear the signatures of the President of the Village Board and the Village Clerk in the absence of any provision to the contrary.

(1975 Code, ' 19-104)

' 32.19 INVESTIGATIONS.

Upon receipt of an application for a license or permit where ordinances of the village necessitate an investigation or inspection before the issuance of such permit or license, the Clerk shall refer such application to the proper officer for making such investigation within 48 hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof. The Health Officer shall make or cause to be made an inspection in regard to such licenses in connection of the care and handling of goods and the prevention of nuisances and the spread of disease, for the protection of health; and the building inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided, by the President of the Village Board or by some other officer designated.

(1975 Code, ' 19-105)

' 32.20 FEES.

In the absence of provision to the contrary all fees and charges for licenses or permits shall be paid in advance at the time application thereof is made to the Village Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year the license fee shall be pro-rated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all license fees shall become a part of the corporate fund.

(1975 Code, ' 19-106)

' 32.21 TERMINATION OF LICENSES.

(A) All annual licenses shall terminate on the last day of April, where no provision to the contrary is made.

(B) The Village Clerk shall mail to all licensees of the village a statement of the time of expiration of the license held by the licensee, if an annual, three weeks prior to the date of such expiration; provided, that a failure to send out such notice, or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

(1975 Code, ' 19-107)

' 32.22 BUILDING AND PREMISES.

(A) No license shall be issued for the conduct of any business, and no permit shall be issued for anything or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the village.

(B) No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the village.

(1975 Code, ' 19-108)

' 32.23 CHANGE OF LOCATION.

The location of any licensed business or occupation, or of any permitted act, may be changed, provided ten days notice thereof is given to the Village Clerk, in the absence of any provision to the contrary; provided that the building, zoning and frontage consent requirements of the ordinances are complied with.

(1975 Code, ' 19-109)

' 32.24 FRONTAGE CONSENTS.

(A) Whenever the consent of adjoining or neighboring owners is required as a prerequisite to the conduct of any business or occupation, or the location of any establishment, such consents must be obtained by securing the necessary signatures to a written consent petition, such petition shall be filed with the Village Clerk when signed.

(B) Consents once given and filed shall not be withdrawn; and such petitions need not be renewed for the continuous conduct of the same business whether by the same proprietor or not.

(C) It shall be unlawful to forge any name to such a petition or to falsely represent that the names thereon have been properly placed thereon if such is not the fact.

(D) Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written on, and that the petition contains the necessary number of signatures required by ordinance.

(E) The frontage consent requirements contained in this code shall not be construed to amend or change any zoning ordinance provision of the village; and no such provision shall be construed as permitting the erection of a structure or building, or the conduct of a business or the commission of any act prohibited by any zoning ordinance of the village.

(1975 Code, ' 19-110)

' 32.25 NUISANCES.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

(1975 Code, ' 19-111)

' 32.26 INSPECTIONS.

(A) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the village who is authorized or directed to make such inspection at any reasonable time that admission is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the village requesting the same material or commodity for such analysis upon request.

(C) In addition to any other penalty which may be provided, the President of the Village Board shall revoke the license of any licensed proprietor of any licensed business in the village who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his or her duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the village, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

(1975 Code, ' 19-112) Penalty see ' 32.99

' 32.27 REVOCATION.

Any license or permit for a limited time may be revoked by the President of the Village Board at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied, such revocation may be in addition to any fine imposed.

(1975 Code, ' 19-113)

' 32.28 POSTING LICENSE.

It shall be the duty of any person conducting a licensed business in the village to keep his or her license posted in a prominent place on the premises used for such business at all times.

(1975 Code, ' 19-114)

' 32.29 VEHICLE TAG.

Whenever the number of vehicles used is the basis of a license fee, the Village Clerk shall furnish such licensee with a tag or sticker which shall be posted in a conspicuous place on each such vehicle while it is in use.

(1975 Code, ' 19-115)

' 32.30 RAFFLES AND POKER RUNS.

(A) No person shall conduct or participate in a raffle or poker run unless the organization holding or sponsoring the event has obtained a license from the village and is otherwise in compliance with all of the provisions of the Illinois Raffles and Poker Runs Act (230 ILCS 15/0.01 et seq., as amended from time to time). As used herein, **RAFFLE** and **POKER RUN** shall have the same definitions as provided in the Illinois Raffles and Poker Runs Act.

(B) Licenses under this section for raffles or poker runs may be issued only to bona fide, religious, charitable, labor, business, fraternal, educational or veterans organizations that operate without profit to their members and which have been in existence continuously for a period of five years immediately before making application for a license or to a non-profit fundraising organization that is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as a result of an illness, disability, accident or disaster. The Mayor may waive the five-year requirement if the organization is a local organizational that is affiliated with and chartered by a national or state organizational that meets the five-year requirement. For purposes of this section, the terms **NON-PROFIT**, **CHARITABLE**, **EDUCATIONAL**, **RELIGIOUS**, **FRATERNAL**, **VETERANS**, **LABOR** and **BUSINESS** shall have the same definition as provided in the Illinois Raffles and Poker Runs Act, as amended from time to time.

(C) Any person, firm or corporation desiring to obtain a raffle or chances or poker runs license shall submit an application providing the following information and payment of a \$25 fee for each license requested. A separate license may be issued for each event or for a specific period of time not to expire as of the last day of April each year.

(1) The application for license must specify the area or areas within the village in which the raffle chances will be sold or issued or a poker run will be conducted. The time period during which raffle chances will be sold or issued or a poker run will be conducted, the time of determination of winning chances and the location or locations at which winning chances will be determined.

(2) A license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.

(D) The following are ineligible for any license under this section:

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;

(3) Any person who is not of good, moral character;

(4) Any firm or corporation in which a person defined in subsections (1), (2) or (3) above has a proprietary, equitable or credit interest or in which such a person is active or employed;

(5) Any organization in which a person defined in subsections (1), (2) or (3) above is an officer, director or employee, whether compensated or not; or

(6) Any organization in which a person defined in subsections (1), (2) or (3) above is to participate in the management or operation of a raffles as defined in this section.

(E) The conducting of raffles and poker runs is subject to the following restrictions:

(1) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.

(3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this section. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

(5) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license for a raffle.

(6) A person under the age of 18 years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined, only when accompanied by his parent or guardian.

(F) All operation of and the conduct of raffles and poker runs shall be under the supervision of a single manager designated by the organization. The manager shall give a fidelity bond in an amount determined by the Mayor in favor of the organization conditioned upon his or her honesty in the performance of his or her duties. Terms of the bonds shall provide that notice shall be given in writing to the licensing authority, not less than 30 days prior to its cancellation. The Mayor may waive this bond requirement provided that such waiver is consented to by a unanimous vote of the members of the licensed organization.

(G) Each organization licensed to conduct raffles and chances or a poker run event shall keep records in accordance with the requirements of the Illinois Raffles and Poker Runs Act, as amended

from time to time (230 ILCS 15/6). Each organization licensed to conduct raffles or poker runs shall report promptly, after the conclusion of each raffle or poker run to its membership and to the village, all of its gross receipts, expenses and net proceeds from raffles or poker runs and the distribution of net proceeds, itemized as required by the Illinois Raffles and Poker Runs Act. As used in this section, **NET PROCEEDS** means the gross receipts from the conduct of raffles less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run. Records required by this section shall be preserved for three years and the organization shall make available their records relating to operation of raffles or poker runs for public inspection at reasonable times and places.

(Ord. 2016-9-20, passed 9-20-2016) Penalty, see ' 32.99

' 32.99 PENALTY.

(A) Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) Any person conducting a raffle or poker run, in violation of ' 32.30 of this chapter or in violation of provisions of the Illinois Raffles and Poker Runs Act, shall upon conviction, be fined an amount up to \$750 for each violation. Each day that a violation continues shall be considered a separate offense, punishable, by a fine up to \$750 per day. The Mayor may, upon notice and hearing to the licensee, revoke or suspend any license for any violation of this section or the Illinois Raffles and Poker Runs Act.

(1975 Code, ' 19-116) (Ord. 2016-9-20, passed 9-20-2016)

CHAPTER 33: VILLAGE ORGANIZATIONS

Section

Departments Generally

- 33.01 Distribution of powers
- 33.02 Powers and duties
- 33.03 President shall assign
- 33.04 Operation of a Department
- 33.05 Expenditure of funds
- 33.06 Adoption of State Gift Ban Act
- 33.07 Ethics Officer
- 33.08 State Legislative Ethics Commission; complaints
- 33.09 Future amendments to State Gift Ban Act

Public Health and Safety

- 33.20 General powers; subordinates
- 33.21 Bond
- 33.22 Annual estimate

Department of Waterworks and Department of Drainage

- 33.35 Department of Waterworks
- 33.36 Department of Drainage

Zoning Commission

- 33.50 Recitals
- 33.51 Establishment; appointment

Cross-reference:

- Board of Trustees, see Chapter 30*
- Employees and officials, see Chapter 31*
- Tax and finance, see Chapter 34*

*DEPARTMENTS GENERALLY***' 33.01 DISTRIBUTION OF POWERS.**

The executive and administrative powers of the village shall be distributed into six departments as follows:

(A) Department of Public Health and Public Safety;

(B) Department of Account and Finances;

(C) Department of Water;

(D) Department of Streets;

(E) Department of Zoning; and

(F) Department of Drainage.

(1975 Code, ' 1-101)

' 33.02 POWERS AND DUTIES.

The Board shall determine by ordinance the power and duties by each department except as set forth in this code or by statute. The Board shall have the power to assign any officer or employee to more than one department.

(1975 Code, ' 1-102)

' 33.03 PRESIDENT SHALL ASSIGN.

The President shall assign the trustees to chair the various departments.

(1975 Code, ' 1-103)

' 33.04 OPERATION OF A DEPARTMENT.

The chairperson of each department shall operate the department consistent with the rules, regulations, ordinances, and this village code. The chairperson of each department shall be the immediate supervisor of all employees of his or her department. The chairperson shall also have the authority to discharge any person for a violation of the personnel policy of the village; any violated any law of the state; this village code; or any written regulations of the village. The hiring of employees and the discharge of employees other than set forth herein shall be done by the majority of the Board upon the recommendation of the chairperson of the department. The chairperson of each department shall be under the general supervision of the President as set forth in ' ' 31.080 through 31.085.

(1975 Code, ' 1-104)

' 33.05 EXPENDITURE OF FUNDS.

Each department head is permitted to spend on any one item up to \$500 in the routine operation of its department. This is intended to be a per project basis and the department head shall not divide up a project into small chunks to avoid the \$500 rule. A department head may spend an additional \$500 if the purchase of an item or the hiring of a service exceeds the original \$500 limit only upon the written approval of the President. Each department head is authorized in an emergency situation to expend up to \$5,000 without Board approval. In each emergency situation where the sum to be spent is likely to exceed \$1,000 the department head shall call a special meeting of the Board so that input for a decision can be made by the Board at large. Whether in an emergency or non-emergency situation Board members are required to make every effort to obtain at least two different price quotes for any item they desire to purchase which exceeds \$500.

(1975 Code, ' 1-105)

' 33.06 ADOPTION OF STATE GIFT BAN ACT.

(A) The Officials and Employees Ethic Act, 5 ILCS 430 et seq. is hereby adopted as required by ' 83 of the Act (5 ILCS 425/83).

(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.

(1975 Code, ' 1-106) (Ord. 99-, passed 6-15-1999)

' 33.07 ETHICS OFFICER.

To the extent authorized by law and to the extent required by ' 35 of the Act (5 ILCS 430/5), the Chairperson of the Health and Safety Department is appointed to serve as the Aethics officer@ of the village. The Ethics Officer=s duties shall be as provided in ' 35 of the state statute.

(1975 Code, ' 1-107) (Ord. 99-, passed 6-15-1999)

' 33.08 STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS.

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

(1975 Code, ' 1-108) (Ord. 99-, passed 6-15-1999)

' 33.09 FUTURE AMENDMENTS TO STATE GIFT BAN ACT.

Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the

passage of this section shall be incorporated into this section 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 section by reference without formal action by the corporate authorities of the village.

(1975 Code, ' 1-109) (Ord. 99-, passed 6-15-1999)

PUBLIC HEALTH AND SAFETY

' 33.20 GENERAL POWERS; SUBORDINATES.

(A) The Village Board of Health and Safety shall have control over and supervision of the Board of Health, Chairperson of Health and their respective offices and all property and apparatus used therein; the street corner waste paper receptacles, billboards, the removal of garbage, scavengers and all matters of sanitation; all city parks, and all other parks, playgrounds and pleasure grounds within or belonging to the village, and all animals, birds, reptiles, livestock, plants, trees and shrubbery contained therein, together with all officers and employees, including custodians, matrons and park police officers, employed in and about said parks and pleasure grounds or kept or used in connection therewith.

(B) The Village Board shall have charge of and supervision over the improvement, maintenance, lighting and care of said parks, pleasure grounds and cemeteries, and of the buildings therein or thereon.

(C) The Village Board shall have charge of and supervision over all village property not otherwise assigned by law or ordinance.

(D) All of these departments and subjects are hereby assigned to the Department of Public Health and Safety.

(E) The Village Board shall have such assistance from the Village Engineer as may be necessary in surveying and laying out improvements and receive assistance from other officers and departments of the village.

(F) The Village Board shall have charge of all purchases of the department or the offices or departments assigned thereto, and shall exercise supervision over the construction and repair of buildings assigned to said department, and may, on application, receive assistance therein from other officers and departments of the village.

(1975 Code, ' 5-101)

' 33.21 BOND.

Before entering upon the duties of his or her office, he or she shall execute a bond payable to the village in the penal sum of \$1,000, with sureties to be approved by the Associate Judge of the Circuit Court of the county, conditioned upon the faithful performance of the duties of his or her office. The said bond shall be filed in the office of the County Clerk.

(1975 Code, ' 5-102)

' 33.22 ANNUAL ESTIMATE.

The Chairperson of Public Health and Safety shall prepare and submit to the Chairperson of Accounts and Finances, before May 1 of each year, an estimate of the whole cost of maintaining his or her department, including all sub-departments and activities under his or her control and supervision, during the succeeding fiscal year, which estimate shall be in detail, and shall be laid by the Chairperson of Accounts and Finances before the Village Board at the same time that the annual estimate of the Chairperson of Accounts and Finances is laid before the Village Board.

(1975 Code, ' 5-103)

DEPARTMENT OF WATERWORKS AND DEPARTMENT OF DRAINAGE

' 33.35 DEPARTMENT OF WATER WORKS.

(A) The President shall appoint a Trustee to act as a Chairperson of the Water Department for the village who shall have general control and supervision of the potable water distribution system in the village.

(B) The Chairperson shall supervise the Department and its employees. All expenditures for the Department shall be approved by ordinance.

(1975 Code, ' 6-101)

' 33.36 DEPARTMENT OF DRAINAGE.

The President shall appoint a Trustee to act as Chairperson of the Department of Drainage who shall be responsible for all culverts, ditches, tiling and flooding issues for the village. The Chairperson shall supervise the Department and its employees. All expenditures for the Department shall be approved by ordinance.

(1975 Code, ' 6-102)

ZONING COMMISSION

' 33.50 RECITALS.

The foregoing recitals are incorporated as substantive portions hereof as though fully set forth herein.

(Ord. 2011-1115, passed 11-15-2011)

' 33.51 ESTABLISHMENT; APPOINTMENT.

Pursuant to the authority established by 65 ILCS 5/11-13-2, the Village Board hereby establishes a Zoning Commission. The Village President shall have the authority to appoint seven members to serve on the Zoning Commission, subject to confirmation by the corporate authorities. The Zoning Commission members shall serve until final recommendations on the zoning code amendments have been finally acted upon by the Village Board.

(Ord. 2011-1115, passed 11-15-2011)

CHAPTER 34: TAX AND FINANCE

Section

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GENERAL PROVISIONS

' 34.01 INVESTMENT POLICY.

(A) All financial assets of the village shall be held in an account or certificates of deposit at a financial institution which is guaranteed by the Federal Deposit Insurance Corporation and within the limits wherein accounts or certificates of deposit are actually insured by the Federal Deposit Insurance Corporation.

(B) It is permissible under this policy that the accounts be brokered through an individual agent as long as the accounts or certificates of deposit are actually guaranteed by the Federal Deposit Insurance Corporation.

(Ord. passed 12-21-1999)

' 34.02 UTILITY TAX REVENUE TO GENERAL FUND.

Res. 10-2 is hereby rescinded, and the Village Treasurer is hereby directed to deposit all utility tax revenue received by the village pursuant to utility taxes imposed by the village into the Village General Fund.

(Res. 10-15, passed 12-15-2015)

MUNICIPAL UTILITY TAX

' 34.15 TAX IMPOSED.

The following taxes previously imposed by the village are hereby re-imposed and continued within the village subject to the terms and conditions set forth in this subchapter.

(A) A tax is imposed on all persons engaged in the following occupations or privileges: The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

(1) For the first 2,000 kilowatt-hours used or consumed in a month: 0.5534 cents per kilowatt-hour;

(2) For the next 48,000 kilowatt-hours used or consumed in a month: 0.3629 cents per kilowatt-hour;

(3) For the next 50,000 kilowatt-hours used or consumed in a month: 0.3266 cents per kilowatt-hour;

(4) For the next 400,000 kilowatt-hours used or consumed in a month: 0.3175 cents per kilowatt-hour;

(5) For the next 500,000 kilowatt-hours used or consumed in a month: 0.3084 cents per kilowatt-hour;

(6) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.2903 cents per kilowatt-hour;

(7) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.2868 cents per kilowatt-hour;

(8) For the next 5,000,000 kilowatt-hours used or consumed in a month: 0.2812 cents per kilowatt-hour;

(9) For the next 10,000,000 kilowatt-hours used or consumed in a month: 0.2767 cents per kilowatt-hour; and

(10) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month: 0.2721 cents per kilowatt-hour.

(B) A tax is imposed on all persons engaged in the following occupations or privileges: person engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the village, and not for resale, at a rate of 5% of the gross receipts therefrom.

(Ord. 2015-12-15, passed 12-15-2015)

' 34.16 EXCEPTIONS.

None of the taxes authorized by this subchapter may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling or transmitting gas, water or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this subchapter for those transactions that are or may become subject to taxation under the provisions of the Municipal Retailers Occupation Tax Act authorized by ' 8-11-1; nor shall any tax authorized by this subchapter be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality; provided, however any and all accounts of a unit of local government, including, but not limited to, the village, shall be exempt from the taxes imposed by this subchapter.

(Ord. 2015-12-15, passed 12-15-2015)

' 34.17 ADDITIONAL TAXES.

Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

(Ord. 2015-12-15, passed 12-15-2015)

' 34.18 COLLECTION.

The tax authorized by this subchapter shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this subchapter and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall be authorized to add to such

gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this section shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this subchapter.

(Ord. 2015-12-15, passed 12-15-2015)

' 34.19 REPORTS TO MUNICIPALITY.

(A) On or before the last day of month, each taxpayer shall make a return to the Village Treasurer for the preceding month, stating:

- (1) His or her name;
- (2) His or her principal place of business;
- (3) His or her gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed;
- (4) Amount of tax; and
- (5) Such other reasonable and related information as the corporate authorities may require.

(B) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the village, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

(Ord. 2015-12-15, passed 12-15-2015)

' 34.20 CREDIT FOR OVER-PAYMENT.

(A) If it shall appear that an amount of tax has been paid which was not due under the provisions of this subchapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this subchapter from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

(B) No action to recover any amount of tax due under the provisions of this subchapter shall be commenced more than three years after the due date of such amount.

(Ord. 2015-12-15, passed 12-15-2015)

' 34.21 DEFINITIONS AND COLLECTION.

Unless a contrary definition or collection method is provided or evident, the words and terms used in this subchapter shall have the meanings provided in 65 ILCS 5/8-11-2 and all taxes imposed hereunder shall be collected as provided in 65 ILCS 5/8-11-2.

(Ord. 2015-12-15, passed 12-15-2015)

' 34.22 BOOKS AND RECORDS.

The village may, in the manner authorized by law, audit and otherwise examine the books and records of any taxpayer in order to determine compliance with this subchapter and assume the collection of the tax imposed. It is the duty of every taxpayer to keep accurate and complete books and records.

(Ord. 2015-12-15, passed 12-15-2015)

' 34.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of ' ' 34.15 through 34.22 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$750. In addition, shall be liable in a civil action for the amount of tax due. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to the foregoing, if for any reason any tax is not paid when due, a penalty of 10% of the amount of tax due shall be added and collected plus interest at a rate allowed by law for funds due to the village.

(Ord. 2015-12-15, passed 12-15-2015)

