

CHAPTER 3
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3.01 **PRESIDENT** *Amended, 1991-12*

A. Election and Term. That the person elected to the office of President in the Village of Bull Valley shall begin his or her term of office as the first order of business after roll call at the first regular meeting of the President and Board of Trustees of the Village of Bull Valley following his or her election to office.

B. Duties. The President shall be the chief executive officer of the Village, and shall perform such duties as may be required by law or by ordinance. The President shall have such other powers as the Board of Trustees shall from time to time determine, and shall have the power and authority to inspect and examine all books and records pertaining to Village affairs and all books and records kept by all officers and employees of the Village in their official capacities at any reasonable time. The President shall act for and on behalf of the Village on all formal occasions and at all formal receptions.

C. Appointment of Officers. The President shall have the power and authority to appoint, by and with the advice and consent of the Board of Trustees, all officers or employees of the Village whose election or appointment is not otherwise provided for.

D. Designation of Duties. Whenever there is a dispute concerning the respective duties or powers of any appointed officer of the Village, or uncertainty, such dispute or uncertainty shall be settled by the President and Board of Trustees.

E. Bond. Before entering upon the duties of office, the President shall execute a bond in such amount and with such sureties as may be required by law and by ordinance, conditioned upon the faithful performance of the duties of the office. The Village shall pay the premium on such bond.

3.02(a) **VILLAGE CLERK** *Amended, 2017-18-__, 2011-12-6, 2002-03-16*

The position of the Village Clerk may be filled by appointment by the President, with the advice and consent of the Board of Trustees, but shall be an at-will employee. The Village Clerk will serve at the call of the President or Administrator and perform such duties as attesting to the signature of the President and other statutory duties and assignments. As needed, statutory duties shall also be performed by the Deputy Clerk, as provided herein.

3.02(b) **DEPUTY CLERK**, 2017-18-__

The position of Deputy Clerk shall be filled by appointment of the President with the advice and consent of the Board of Trustees, but shall be an at-will employee. The Deputy Clerk shall serve at the call of the President or Administrator and perform such duties as attesting to the signature of the President and other statutory duties and assignments as the Village Clerk would perform in the absence of the Village Clerk, or as assigned.

3.02(c) **ADMINISTRATIVE ASSISTANT** 2017-18-__

The position of Administrative Assistant shall be filled by appointment of the President with the advice and consent of the Board of Trustees, but shall be an at-will employee. The Administrative Assistant shall serve at the call of the President or Administrator and perform such duties and such administrative tasks as assigned.

3.03 **VILLAGE TREASURER** *Amended, 2000-01-34, 35*

A. Creation of Office and Appointment. There is hereby created the office of Village Treasurer, an executive office of the Village. The Village Treasurer shall be appointed by the President, by and with the advice and consent of the Board of Trustees, and shall serve at the pleasure of the President and the Board of Trustees.

B. Duties. The Village Treasurer shall perform the following duties:

1. He or she shall make out all checks of the Village and pay out Village funds only on vouchers, orders or checks properly signed by any two of the following:

Village President
Village Clerk
Village Treasurer
Finance Chairman

2. He or she shall keep the Village funds separate and distinct from his or her own funds and all others, and shall not intermingle his or her own funds or any others with the Village funds, and he or she shall not make private or personal use of the Village funds.
3. He or she shall keep and maintain accurate books and records of account, and all moneys paid out by him or her, and the purpose for which such money was paid out, and shall keep a record showing at all times the financial condition of the Village, and shall make monthly reports to the Board showing the funds received and disbursed during the month, and shall make an annual report to the Board between the first and tenth days of May in each year of the total amount of all receipts and expenditures of the Village, and showing all of his or her transactions as Village Treasurer during the preceding year.
4. He or she shall keep a register of all warrants, bonds or orders filed with him or her or paid by him or her, and of all vouchers, as provided by law or by ordinance.
5. In addition, he or she shall perform such other duties as may be required by law or by ordinance.

C. Salary. The salary for the Village Treasurer shall be affixed by the Board of Trustees from time to time.

D. Bond. Before entering upon the duties of office, the Village Treasurer shall execute a bond in such amount and with such sureties as may be required by law and by ordinance, conditioned upon the faithful performance of the duties of the office, and to indemnify the Village against any loss due to any neglect of duty or wrongful act on the part of the Village Treasurer. The Village shall pay the premium on such bond.

3.04 **VILLAGE ATTORNEY**

A. Creation of Office and Appointment. There is hereby created the office of Village Attorney, an executive office of the Village. The Village Attorney shall be appointed by the President, by and with the advice and consent of the Board of Trustees. The Village Attorney need not be a resident nor a qualified elector of the Village. The Village Attorney may be discharged by the President or two-thirds (2/3) of the members of the Board of Trustees.

B. Duties. The Village Attorney shall be the legal advisor of the Village, and shall render advice upon all legal questions affecting the Village whenever requested to do so by the President or a member of the Board of Trustees. Upon the request of the President and the Board of Trustees, the Village Attorney shall reduce legal advice or opinions to writing.

The Village Attorney shall prosecute or defend any and all suits or actions at law or in equity to which the Village may be a part (except traffic), or in which the Village 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.

The Village Attorney shall act to enforce in full all judgments, decrees or orders rendered or entered in favor of the Village, and to carry out to completion all special assessment and condemnation proceedings.

The Village Attorney shall draft or supervise the drafting of all contracts, leases and other documents or instruments to which the Village may be a party, and upon the request of the President and Board of Trustees shall draft ordinances and/or resolutions on any subjects within the powers of the Village.

C. Village Prosecutor.

1. Creation of Office and Appointment. There is hereby created the office of Village Prosecutor, an executive office of the Village. The Village Prosecutor shall be appointed by the President, by and with the advice and consent of the Board of Trustees. The Village Prosecutor need not be a resident nor a qualified elector of the Village. The Village Prosecutor may be discharged by the President or two-thirds (2/3) of the members of the Board of Trustees.

D. Bond and Insurance. The Village Attorney and Village Prosecutor shall not be required to furnish bond before entering upon the duties of the office. The Village Attorney and Village Prosecutor shall maintain liability insurance in the amount of two hundred fifty thousand dollars (\$250,000.00).

3.05 **SUPERINTENDENT OF ROADS** *Amended, 2011-12-6*

A. Creation. There is hereby created the office and position of Superintendent of Roads, and such office and position shall be filled by appointment of the President by and with the consent and approval of the Board of Trustees.

B. Term. The term of office of the Superintendent of Roads shall be from year to year and shall commence on the first day of May in each year, and any individual duly appointed as Superintendent of Roads shall serve in such position from the first of May in each year to the first of May the year following, or until his successor shall be otherwise appointed and qualified. In the event of the resignation, death or inability of the person so appointed to serve as Superintendent of Roads, a successor may be appointed by the President by and with the consent and approval of the Board of Trustees to complete the unexpired term and such successor shall serve until the completion of the unexpired term or until his successor is duly appointed and qualified.

C. Duties. It shall be the duty of the Superintendent of Roads to correlate, control, superintend and otherwise see to the completion of all work and projects which may be undertaken by the Village or ordered done by the President and Board of Trustees.

D. Reports. The Superintendent of Roads shall be report to the Administrator on all matters coming under his or her control and shall regularly render a monthly report of the progress and condition of such matters to the Administrator.

E. Removal. The Superintendent of Roads shall be subject to removal from office upon the determination of the President and Board of Trustees.

3.06 **VILLAGE COLLECTOR** *Amended, 2000-01-36*

A. Creation. There is hereby created the office of Village Collector, an executive office of the Village. The Collector shall be appointed for one (1) year.

B. Appointment. The Collector shall be appointed as provided by statute.

C. Duties. It shall be the duty of the Collector to collect and receive all monies due the Village from any source whatsoever, and to keep such records pertaining to such collections as may be required by statute or ordinance. The Collector shall keep his books and accounts in the manner the corporate authorities may prescribe.

D. Reports. The Collector shall make such reports regarding collections as are required by statute and shall make a monthly report to the corporate authorities showing what monies have been received and the source thereof. The Collector shall also make an annual report, at the close of the last month of the fiscal year, showing all the activities of his office.

3.07 **CHIEF OF POLICE** *2020-21-___*

A. Creation. There is hereby created the position of Chief of Police of the Village of Bull Valley.

B. Appointment. The Chief of Police shall be appointed by the President, with the advice and consent of the Board of Trustees.

The Chief of Police shall be chosen exclusively on the basis of administrative and executive abilities, skills, education, qualifications and experience. The position shall be considered a professional one. No elected official of the Village shall be appointed Chief of Police during the term of office for which the person was elected.

C. Residency. The Chief of Police need not be a resident of the Village. However, the Village may provide by contract or letter of agreement the proximity of residency as a condition of employment.

D. Acting Chief of Police. In the event the position becomes vacant, an Acting Chief of Police shall be appointed by the President, subject to the advice and consent of the Board of Trustees, to perform the duties of the position until such time as a new Chief of Police is appointed as provided herein.

E. Removal. The Chief of Police may be removed at any time for any reason or no reason at all, by a majority vote of the President and Board of Trustees.

F. Powers and Duties. The Chief of Police is the highest ranking official in the Village of Bull Valley Police Department, responsible for administration, operations, investigations and communications.

The position of Chief of Police is a sworn senior level management position that reports to the Village President and Board of Trustees. The position is a full-time position requiring frequent overtime including work on holidays and during odd hours.

This position is created and governed by the Bull Valley Municipal Code and Village policies. Specific duties are more completely described in the job description.

G. Compensation. The compensation for the Chief of Police shall be determined by the President and Board of Trustees after an annual performance evaluation.

H. Other Employment. The Chief of Police shall devote his/her full time and effort to the performance of his or her duties, and shall not engage in any other employment which would have any possibility of being a conflict of interest with the position, without the consent of the President and Board of Trustees.

3.08 **BONDS OF OFFICERS** *Amended, 1998-99-9, 1991-13*

A. Every officer and employee of the Village, as may be required so to do by law or by ordinance, before entering upon the duties of the office or position of employment, shall give a bond in such amount and with such sureties as may be required by law or by the Board of Trustees, which shall be subject to the approval of the Board of Trustees, and which shall be conditioned upon the faithful performance of the duties of the office or position of employment. Unless otherwise provided for by law or by ordinance, such bonds shall have as surety a company or corporation licensed to act as surety in the State of Illinois and to do business in the State of Illinois. The premiums of such bonds shall be paid out of the general funds of the Village.

B. Bond Amounts. The penal sum for the President=s bond shall be \$3,000; the penal sum for the Treasurer=s bond shall be three times the latest federal census population or any subsequent census figure used for Motor Fuel Tax Purposes, but no less than \$3,000; and the penal sum for the Clerk=s bond shall be \$3,000.

3.09 **OFFICERS AND EMPLOYEES OF THE VILLAGE** *Amended, 2011-12-6, 2001-02-68*

A. Application. The provisions of this section shall apply alike to all officers and employees of the Village, regardless of the time of the creation of the office or position of employment, and regardless of the time of the appointment of the officer or employment of the employee.

B. Records. All records kept or maintained by any officer of the Village shall be open to inspection by the President or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance, except where state statute provides otherwise.

C. Monies Received. Every officer of the Village shall turn over all monies received by him in his official position to the Village Treasurer, with a statement showing the source from which the same was received, and shall take the Village Treasurer's receipt therefor. The Village Treasurer will receive all monies in a timely manner in order to deposit such funds within forty-eight (48) hours in an interest bearing account.

D. Oath. Before entering upon the duties of their respective offices, all Village officers, whether elected or appointed, shall take and subscribe the oath or affirmation as set forth in the Illinois Municipal Code.

E. Salaries and Wages. All officers and employees of the Village shall receive such salaries or wages as may be provided from time to time by ordinance. No officer or employee receiving a salary from the Village shall be entitled to retain any portion of any fees collected or received by him in the performance of his duties as a Village officer or employee, in the absence of specific authorization to the contrary as may be provided by law or by ordinance.

F. Conservators of the Peace. The President, Trustees and police officer shall be conservators of the peace, and shall have such powers of arrest, commitment and detention as may be prescribed by law or by ordinance.

G. Termination of Office or Employment. Every officer and employee of the Village upon the termination of his office or employment, shall deliver to his successor all books and records which may be the property of the Village. If no successor has been elected, chosen or appointed within thirty (30) days after the termination of such office or position of employment, such property shall be delivered to the Village Clerk or to the Village Treasurer, and a receipt taken therefor.

3.10 CORPORATE SEAL

The corporate seal of the Village shall be as follows: "Village of Bull Valley, McHenry County, Illinois."

3.11 FISCAL YEAR

The fiscal year of the Village shall begin on May 1st of each year and end on April 30th of the following year.

3.12 ELECTIONS

Elections for municipal offices shall be held as provided by law, and in accord with such lawful regulations as may be made by ordinance by the President and Board of Trustees. The President and

Board of Trustees shall commence office at the beginning of the first April meeting following receipt of the proclamation of office.

3.13 **ADMINISTRATOR** *2011-12-6; Amended, 13-14-13, 2012-13-11*

A. Appointment: There is hereby created the position of Village Administrator (the “Administrator”).

B. Appointment, Contract or Letter of Agreement: The Administrator shall be appointed by the President, with the advice and consent of the Board of Trustees for a term consistent with applicable law.

C. Applicants shall be interviewed by the President and Board of Trustees and the appointment shall be contingent upon the applicant signing a contract or letter of agreement regarding conditions of employment. Said contract or letter of agreement shall be approved by a majority vote of the President and Board of Trustees.

D. The Administrator shall be chosen exclusively on the basis of administrative and executive abilities, skills, education, qualifications and experience. Specific requirements and details about the working environment will be included when the position is advertised. The position shall be considered a professional one. No elected official of the Village shall be appointed Administrator during the term of office for which the person was elected.

E. Residency: The Administrator need not be a resident of the Village. However, the Village and Administrator may provide by contract or letter of agreement the proximity of residency as a condition of employment.

F. Acting Administrator: In the event the position becomes vacant, an Acting Administrator shall be appointed by the President, subject to the advice and consent of the Board of Trustees, to perform the duties of the position until such time as a new Administrator is appointed as provided herein. The President and Board of Trustees shall have the authority to create a hierarchy of Village personnel who may temporarily serve as Acting Administrator in the event the Administrator is absent from the Village or incapacitated from performing the duties of the position.

G. Compensation: The compensation of the Administrator shall be determined by the President and Board of Trustees after an annual performance evaluation or as the contract or letter of agreement otherwise provides.

H. Removal: The Administrator may be removed at any time for any reason or no reason at all, in compliance with the terms of any applicable employment contract, by a majority vote of the President and Board of Trustees.

I. Powers and Duties: The Administrator shall be the chief administrative officer of the Village. All departments shall report to the Administrator. The Administrator shall be responsible to the President and Board of Trustees for the proper administration of all affairs of the Village. The powers and duties of the Administrator shall be as more specifically set forth below:

1. Execution of Policy: The Administrator shall execute, on behalf of the President and Board of Trustees, Village policies, enforce its ordinances and resolutions, and otherwise administer the affairs of the Village as directed by the President and Board of Trustees. The Administrator shall have the authority and responsibility to research and analyze issues and alternatives, as well as to recommend policies, for consideration by the President and Board of Trustees.
2. Meeting Attendance: The Administrator shall attend all meetings of the President and Board of Trustees. The Administrator shall be permitted to take part in the discussion of all matters coming before the President and Board of Trustees or Village committees. Attend committee meetings as required, but at least annually, and attend conferences, seminars, workshops and court proceedings as needed.
3. Reports and Studies: The Administrator shall evaluate and report, not less frequently than monthly, to the President and Board of Trustees on the operations of the Village departments. At the direction of the President and Board of Trustees, the Administrator shall conduct studies and submit reports and recommendations in those areas of concern to the President and Board of Trustees.
4. Liaison with Boards and Commissions: The Administrator shall cooperate with the advisory boards, committees and commissions created by the President and Board of Trustees, and those that may be created. The Administrator shall seek direction from the President and Board of Trustees as to attendance at such meetings, and the degree of staff support to be furnished to the various boards, committees and commissions.
5. Supervision Over Departments and Employees: The Administrator shall exercise control over and coordinate the work of all departments, the divisions thereof, and all employees of the Village. For the purposes of this Section, the persons holding the offices of Village Attorney and Village Engineer are not considered employees of the Village. However, the Administrator shall work closely with those officers to coordinate the Administrator's efforts with their activities and responsibilities so that President and Board of Trustees policies involving those offices are properly implemented.
6. Human Resources/Personnel: The Administrator shall:
 - a. Oversee all aspects of personnel and benefits administration including evaluation, discipline, pay and wage recommendation, health insurance claims.
 - b. Serve as personnel officer for the Village with responsibilities to see that complete and current personnel records, disciplinary records and specific job descriptions for all Village employees are maintained.
 - c. Evaluate, in conjunction with department directors the performance of all employees on a regular basis.

- d. Recommend salary and wage scales for Village employees not covered by collective bargaining agreements.
 - e. Assure that Village employees have proper working conditions, and work closely with department heads to promptly resolve personnel problems or grievances.
 - f. Assure that employees receive adequate opportunities for training to maintain and improve their job related knowledge and skills.
 - g. Recommend to the Village Board the appointment, promotion, and, when necessary, for the good of the Village, the suspension or termination of department directors.
 - h. In consultation with the appropriate department director, be responsible for the appointment, promotion, and when necessary, for the good of the Village, the suspension or termination of employees below the level of director.
7. Budget Preparation and Administration: The Administrator shall:
- a. Work in conjunction with the Finance Trustee to prepare the annual operating and capital improvements budgets, and submit them with his/her opinions and recommendations to the President and Board of Trustees for review and approval.
 - b. Secure from appropriate legal counsel, the annual tax levy ordinance and annual budget ordinance for President and Board of Trustees' review and approval.
 - c. Apply for and seek to acquire such appropriate state, federal, local, public and private grants as may be available.
 - d. Exercise general direction of the activities of the Village's finances to ensure compliance with state, federal and local law.
 - e. Approve all proper purchases, not exceeding \$1,000 per month provided prior written approval from the Village President and one Trustee is first received. Any other purchases exceeding \$1,000 a month shall require prior Village Board approval.
 - f. Assist in the preparation of bid specifications and related documents for President and Board of Trustees review and approval when required.
 - g. Administer the Board-approved annual budget after adoption, ensuring that department expenses do not exceed budgeted amounts.
 - h. Exercise general supervision over the receipt, collection, disbursement and accounting of all Village revenues and expenses.

- i. Cause financial reports and audits to be prepared.
 - j. Provide information and reports to the President and Board of Trustees on the financial condition and fiscal matters of the Village for its review and approval as appropriate.
8. Professional Services: When the Village is in need of professional services, and the Administrator is so directed, the Administrator shall request proposals from at least three professionals in the relevant field of expertise. Newspaper publication is not required. Other forms of advertising, in the discretion of the Administrator, may be utilized.
9. Keep informed concerning current Federal, State, and County legislation and administrative rules, plans, and programs or projects affecting the Village remain responsible in all aspects of intergovernmental relations by staying current on local issues and by positioning the Village, by all necessary means, for long-term sustainability.
10. Investigation of Complaints: The Administrator shall be notified and receive, and shall investigate or have investigated all complaints in relation to matters concerning the administration of the government of the Village, and the services maintained and provided by the Village. The Administrator shall establish and maintain procedures to facilitate communications between citizens and Village government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official.
11. General Recommendations: From time to time the Administrator shall recommend to the President and Board of Trustees the adoption of such measures as may be deemed necessary or expedient for the health, safety, comfort or welfare of the community or for the improvement of services rendered by the Village, when such measures require action by the President and Board of Trustees.
12. Matters Directed to Administrator's Attention: All officers and department heads shall submit all matters requiring Board action, or attention, to the Administrator, who shall submit them to the President and Board of Trustees with such recommendations as may be deemed necessary. All direction to departments or employees made by the President and Board of Trustees shall be submitted to the Administrator, and the President and Board of Trustees will then receive the information as to policy and departmental operations from the Administrator. The President and Board of Trustees will deal with administrative services and functions as much as practical through the Administrator. In instances where a request or an inquiry is made directly to an employee by the President or a Trustee, the Administrator should be advised of the matter as soon as possible.
13. Enforcement Authority: The Administrator shall have the authority to enforce the laws, codes and ordinances of the Village. The Administrator may sign complaints in the

name of the Village for violations of laws, codes and ordinances, and shall attend as witness before the court where a trial may be had on such complaints. The Administrator shall see that all franchises, permits, licenses and privileges granted by the Village are faithfully and impartially observed and administered.

14. Emergencies: In the event of a major accident, disaster or other circumstance creating a public emergency, the Administrator may award contracts, make purchases and incur other obligations of the Village for the purpose of meeting such emergency, up to \$25,000. As soon as practical, the Administrator shall file with the President and Board of Trustees a written statement of such emergency, the necessity for such action and an itemized account of all expenditures or obligations incurred.
15. Additional Duties: The Administrator shall perform such other duties as may be required of or assigned by the President and Board of Trustees, consistent with federal and state laws and Village ordinances.
16. Other Employment: The Administrator shall devote his/her full time and effort to the performance of his or her duties, and shall not engage in any other employment which would have any possibility of being a conflict of interest with the position without the consent of the President and Board of Trustees.

3.14 **POSSESSION OF VILLAGE RECORDS** *1990-8*

Within five days after written notification and request by the Village President or Village Clerk, any person who has been an officer of the Village shall deliver to the Village Clerk all property, books and effects in his possession, belonging to the Village, or appertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby and subject to a fine of not less than \$500.00 for each violation; each day that the violation continues shall be considered a separate offense. The Village Clerk shall deliver those records deemed necessary to the successor in office to carry out his duties. The disposition of any Village records shall be in accordance with the Local Records Act.

3.15 **CODE OF ETHICS** *Amended 2016-17-12, 2003-04-15*

A. Declaration of Policy: The proper operation of democratic government requires that Officers and Employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all Village Officers and Employees is adopted. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all Village Officers and Employees by setting forth those acts or actions that are incompatible with the best interest of the Village and by directing disclosure by such Officers and Employees of private financial or other interests in matters affecting Village life.

B. Code of Ethics: The requirements set forth herein shall constitute a Code of Ethics establishing reasonable standards and guidelines for the ethical conduct of officers and employees of

the Village. The provisions of this Code of Ethics are intended to comply with the applicable provisions of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.* (hereinafter referred to as the “Act” in this Section) to the extent that the Act applies to municipalities. Any amendments to Article 5-15 (5 ILCS 430/5-15, Prohibited Political Activities) and Article 10 (5 ILCS 430/10-10 through 10-40, Gift Ban) of the Act and any applicable definitions under the Act (contained in 5 ILCS 430/1-5) 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 (Adoption by Governmental Entities). 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 Village Board.

C. Definitions: For purposes of this Section, the following terms shall be given these definitions:

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a Political Organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities: (i) relating to the support or opposition of any executive, legislative, or administrative action; (ii) relating to collective bargaining; or (iii) that are otherwise in furtherance of the person’s official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 Ill. Comp. Stat. 5/1-3).

“Collective Bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 Ill. Comp. Stat. 315/3).

“Compensated Time” means, with respect to an Employee, any time worked by or credited to the Employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Section, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the Employee is on a Leave of Absence. With respect to Officers or Employees whose hours are not fixed, “compensated time” includes any period of time when the Officer or Employee is on premises under the control of the Employer and any other time when the Officer or Employee is executing his or her official duties, regardless of location.

“Compensatory Time Off” means authorized time off earned by or awarded to an Employee to compensate in whole or in part for time worked in excess of the minimum work time required of that Employee as a condition of his or her employment.

“Contribution” has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 Ill. Comp. Stat. 5/9-1.4).

“Employee” means a person employed by the Village of Bull Valley, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an

Employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

“Employment Benefits” include but are not limited to the following: modified compensation or benefit terms; compensated time off; or change of title, job duties, or location of office or employment. An employment benefit may also include favorable treatment in determining whether to bring any disciplinary or similar action or favorable treatment during the course of any disciplinary or similar action or other performance review.

“Employer” means the Village of Bull Valley.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an Officer or Employee.

“Intra-Governmental Gift” means any gift given to an Officer or Employee of the Village from another Officer or Employee of the Village.

“Inter-Governmental Gift” means any gift given to an Officer or Employee of the Village from a member or employee of the legislative branch of the government of the State of Illinois, a judge or employee of the judicial branch of the government of the State of Illinois, an officer or employee of the executive branch of the government of the State of Illinois, an officer or employee of a unit of local government, home rule unit, or school district, or an officer or employee of any other governmental entity.

“Leave of Absence” means any period during which an Employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the Employer.

“Officer” means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

“Political Activity” means any activity in support of or in connection with any campaign for elective office or any Political Organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“Political Organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 Ill. Comp. Stat. 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Prohibited Political Activity” means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a Political Organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective officer or on behalf of a Political Organization for political purposes or for or against any referendum question.
6. Assisting at the polls on election day on behalf of any Political Organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a Political Organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

“Prohibited Source” means any person or entity who:

1. is seeking official action (i) by an Officer or (ii) by an Employee, or by the Officer or another Employee directing that Employee;
2. does business or seeks to do business (i) with the Officer or (ii) with an Employee, or with the Officer or another Employee directing that Employee;
3. conducts activities regulated (i) by the Officer or (ii) by an Employee, or by the Officer or another Employee directing that Employee;
4. has interests that may be substantially affected by the performance or non-performance of the official duties of the Officer or Employee;
5. is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act (25 ILCS 170/1 *et seq.*), except that an entity not otherwise a Prohibited Source does not become a Prohibited Source merely because a registered lobbyist is one of its members or serves on its board of directors; or
6. is an agent of, a spouse of, or an immediate family member who is living with a “Prohibited Source.”

“Relative” means those people related to the Officer or Employee as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the Officer’s or Employee’s spouse and the Officer’s or Employee’s fiancé or fiancée.

D. Prohibited Political Activities:

1. No Officer or Employee shall intentionally perform any prohibited Political Activity during any Compensated Time, as defined herein. No Officer or Employee shall intentionally use any property or resources of the Village in connection with any Prohibited Political Activity.
2. At no time shall any Officer or Employee intentionally require any other Officer or Employee to perform any Prohibited Political Activity (i) as part of that Officer or Employee’s duties, (ii) as a condition of employment, or (iii) during any Compensated Time off (such as holidays, vacation or personal time off).
3. No Officer or Employee shall be required at any time to participate in any Prohibited Political Activity in consideration for that Officer or Employee being awarded additional compensation or any benefit, whether in the form

of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any Officer or Employee be awarded additional compensation or any benefit in consideration for his or her participation in any Prohibited Political Activity.

4. Nothing in this Section prohibits activities that are permissible for an Officer or Employee to engage in as part of his or her official duties, or activities that are undertaken by an Officer or Employee on a voluntary basis which are not prohibited by this Section.
5. No person either: (i) in a position that is subject to recognized merit principles of public employment; or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a Political Organization or club.

E. Gift Ban:

1. Except as permitted by this Section, no Officer or Employee, and no spouse of or immediate family member living with any Officer or Employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any Prohibited Source, as defined herein, or which is otherwise prohibited by law or ordinance. No Prohibited Source shall intentionally offer or make a gift that violates this Section.
2. EXCEPTIONS: Section 3.14-E.1 is not applicable to the following:
 - i. Opportunities, benefits, and services that are available on the same conditions as for the general public.
 - ii. Anything for which the Officer or Employee, or his or her spouse or immediate family member, pays the fair market value.
 - iii. Any (a) contribution that is lawfully made under the Election Code; or (b) activities associated with a fund-raising event in support of a Political Organization or candidate.
 - iv. Educational materials and missions.
 - v. Travel expenses for a meeting to discuss business.
 - vi. A gift from a Relative.

- vii. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Officers or Employees, or their spouses or immediate family members.
- viii. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.
- ix. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an Officer or Employee), if the benefits have not been offered or enhanced because of the official position or employment of the Officer or Employee, and are customarily provided to others in similar circumstances.
- x. Intra-Governmental and Inter-Governmental gifts.
- xi. Bequests, inheritances, and other transfers at death.
- xii. Any item or items from any one Prohibited Source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

- 3. **DISPOSITION OF GIFTS:** An Officer or Employee, his or her spouse or an immediate family member living with the Officer or Employee, does not violate this Section if the recipient promptly takes reasonable action to return a gift from a Prohibited Source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income

taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.

F. Ethics Advisor:

1. The Village President, with the advice and consent of the Village Board shall designate an Ethics Advisor for the Village.
2. The Ethics Advisor shall provide guidance to the Officers and Employees of the Village concerning the interpretation of and compliance with the provisions of this Section and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Village Board.

G. Ethics Commission:

1. There is hereby created a commission to be known as the Ethics Commission of the Village of Bull Valley. The Commission shall be comprised of three members appointed by the Village President with the advice and consent of the Village Board. No person shall be appointed as a member of the Commission who is related, either by blood or marriage up to the degree of first cousin, to any elected Officer of the Village.
2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve two-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to two-year terms. Commissioners may be re-appointed to serve subsequent terms.
3. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two commissioners. A quorum shall consist of two commissioners, and official action by the Commission shall require the affirmative vote of two members.
4. The Village President, with the advice and consent of the Village Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten days' notice. Vacancies shall be filled in the same manner as original appointments.
5. The Commission shall have the following powers and duties:
 - i. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

- ii. Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with this Section and refer violations of Sections 3.14-D and E to the Village Attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Section and not upon its own prerogative.
- iii. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Section.
- iv. To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all Officers and Employees of the Village to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- v. To prepare and publish such manuals and guides as the Commission deems appropriate to facilitate compliance with the terms of this Section.
- vi. The powers and duties of the Commission are limited to matters clearly within the purview of this Section.

6. Complaints:

- i. Complaints alleging a violation of this Section shall be filed with the Ethics Commission.
- ii. Within three business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- iii. Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Section, to determine

whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. Within seven business days after receiving the complaint, the Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

- iv. If the complaint is deemed sufficient to allege a violation of Section 3.14-E and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the Village Attorney to prosecute such actions and request that the complaint be adjudicated judicially and the Commission's notice to the parties shall indicate this fact.
- v. If the complaint is deemed sufficient to allege a violation of Section 3.14-D, then the Commission shall notify in writing the Village Attorney to prosecute such actions and shall transmit to the Village Attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation. The Commission's notice to the parties shall indicate these facts.
- vi. If the Commission elects to hear a case brought under Section 3.14-E, on the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- vii. Within thirty days after the date the hearing or any recessed hearing of a case brought under Section 3.14-E is concluded, the Commission shall either: (i) dismiss the complaint; or (ii) issue a recommendation for discipline to the alleged violator and to the Village President or other Officer having authority to discipline the Officer or Employee, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- viii. If the hearing on a case brought under Section 3.14-E was closed to the public, the respondent may file a written demand for a public

hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within fourteen days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Village President or other Officer having authority to discipline the Officer or Employee or impose a fine upon the violator, or both.

- ix. If a complaint is filed during the sixty days preceding the date of any election at which the respondent is a Candidate, the Commission shall render its decision as required under subsection (vii) within seven days after the complaint is filed, and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.
- x. A complaint alleging the violation of this Section must be filed within one year after the alleged violation.
- xi. In the event a member of the Commission is the subject of an alleged violation of this Section, such commissioner shall immediately recuse himself or herself from the investigation of such alleged violation, and shall take no part in the final action of the Commission regarding such alleged violation. A substitute Commissioner shall be appointed pursuant to the terms of Section 3.14-G.1 above for purposes relating to this matter only.

H. Penalties

1. A person who intentionally violates any provision of Section 3.14-D may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
2. A person who intentionally violates any provision of Section 3.14-E is subject to a fine in an amount on not less than \$1,001 and not more than \$5,000.
3. The Commission may levy an administrative fine of up to \$5,000 against any person who violates this Code of Ethics or who intentionally makes a false, frivolous, or bad faith allegation.

4. In addition to any administrative fines imposed pursuant to Section 3.14-H.3 above, any person who intentionally makes a false report alleging a violation of any provision of Section 3.14 to the Ethics Commission, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
5. A violation of Section 3.14-D shall be prosecuted as a criminal offense by the Village Attorney by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
6. A violation of Section 3.14-E may be prosecuted as a quasi-criminal offense by an attorney for the City, or the Ethics Commission, through the designated administrative procedure.
7. In addition to any other penalty that may be applicable, whether criminal or civil, an Officer or Employee who intentionally violates any provision of this Section is subject to discipline or discharge.

I. Distribution of Code of Ethics: The Village Clerk shall cause a copy of this Code of Ethics to be distributed to every Officer and Employee of the Village within thirty days after enactment of this Code of Ethics. Each Officer and Employee elected, appointed or engaged hereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

3.16 RULES FOR MEETING ATTENDANCE *2006-07-16*

In addition to holding meetings pursuant to the Open Meetings Act, 5 ILCS 120/1 *et seq.*, meetings held by any board or commission of the Village shall be subject to the following rules:

1. A quorum of the board/commission shall be physically present at the location of an open or closed meeting.
2. Provided a quorum is present, a member may be allowed to attend the meeting by audio or video conferencing.
3. Any member who wishes to be considered present at a meeting by audio or video conference may make such a request to the board/commission by notifying the Clerk prior to the meeting, unless advance notice is impractical, that the member cannot physically attend the meeting for one of the following reasons:
 - A. Personal illness or disability;
 - B. Employment purposes or Village business; or

- C. A family or other emergency.
- 4. An affirmative vote by a majority of the board/commission may allow the member to attend a meeting as provided in paragraph 2 above.
- 5. The Clerk shall record in the minutes of every meeting the members physically present, absent and present by audio or video conference.

3.17 IDENTITY PROTECTION POLICY *2011-12-3*

A. Title: This policy may be referred to as the Identity Protection Policy of the Village of Bull Valley.

B. Purpose: The purpose of this policy is to protect the identifying information of Village residents and other individuals dealing with the Village. This policy is adopted under the auspices of the Identity Protection Act, Public Act 96-874, 5 ILCS 179/1 *et seq.*, (the “Act”), and should be construed in accordance with the Act.

C. Incorporation of the Act: It is the stated policy of the Village that the Village, its officers, employees and contractors shall abide by the letter and the spirit of the Act when working for, conducting business for or managing the affairs of the Village.

D. Training: All Village employees having access to social security numbers (SSNs) in the course of performing their duties for the Village must be trained to protect the confidentiality of social security numbers. This training shall include instructions on the proper handling of information that contains SSNs from the time of collection through the destruction of the information. The scheduling and specifics of such training shall be in the discretion of and at the direction of the President and Board of Trustees.

E. Access: Only employees who are required to use or handle information or documents that contain SSNs shall be permitted to have access to such information or documents.

F. SSN Requests: If a SSN or SSNs are requested by the Village, the employee responsible for the collection or request of the SSN shall ensure that the SSN is provided in a manner that makes the SSN easily redacted if required to be released as part of a public records request. When collecting the SSN, or whenever first requested by an individual who has provided a SSN to the Village, the Village shall provide or make available to the individual a statement of the purpose or purposes for which the Village is collecting the SSN and for which the SSN is being used. This statement may be verbal, but if written, shall be on a standard form adopted by the Board of Trustees.

3.18 PART-TIME POLICE OFFICERS; TRAINING *2011-12-6*

Part-time police officers shall be employees at will, a minimum of 21 years of age, possess a valid high school diploma or G.E.D., preferably supplemented by some additional college level course

work in a police related field and possess a valid driver's license. They shall be hired, disciplined and terminated by the Administrator and supervised and directed by the Administrator or designee as provided by law. All part-time police officers shall either: (1) have a current valid certification to serve as a full-time police officer from the Illinois Law Enforcement Training Standards Board ("ILETSB"); or (2) have a current valid certification to serve as a part-time police officer from the ILETSB; or (3) shall, within 18 months after they are hired by the Village, successfully complete any training mandated by the ILETSB for part-time police officers. If a newly hired part-time police officer does not have any certification to serve as either a full-time or as a part-time police officer in the State, the part-time police officer shall be directly supervised by a full-time police officer with valid certification from the ILETSB until such time the part-time officer obtains the necessary part-time certification. Under any circumstances, no part-time police officer shall be assigned to supervise or direct a full-time police officer. Failure to meet or maintain the certification requirements of this Section shall result in dismissal of the part-time police officer. The number of hours a part-time police officer may work within a calendar year shall be pursuant to state statute.

3.19 CREDIT CARD ACCEPTANCE *2014-6-23*

The Village is authorized to receive payment of debts due to it by credit or debit card and the Village may impose a surcharge to offset the discount or processing fee charged the Village by a financial institution or service provider in accordance with subsection (c) of Section 20 of the Local Government Acceptance of Credit Cards Act, 50 ILCS 345/1 *et seq.*