

**COMMITTEE OF THE WHOLE
SEPTEMBER 19, 2023
VILLAGE BOARD ROOM
2200 HARNISH DRIVE, ALGONQUIN
7:45 P.M.**

Trustee Dianis – Chairperson
Trustee Smith
Trustee Brehmer
Trustee Auger
Trustee Spella
Trustee Glogowski
President Sosine

AGENDA

- 1. Roll Call – Establish a Quorum**
- 2. Public Comment – Audience Participation**
(Persons wishing to address the Committee must register with the Chairperson prior to roll call.)
- 3. Community Development**
- 4. General Administration**
 - A. Consider Amending Chapter 3, Village Administration, of the Algonquin Municipal Code
 - B. Consider Amending Chapter 6, Water and Sewer Department, and Appendix B of the Algonquin Municipal Code
- 5. Public Works & Safety**
- 6. Executive Session** (if needed)
- 7. Other Business**
- 8. Adjournment**



VILLAGE OF ALGONQUIN
GENERAL SERVICES ADMINISTRATION

- M E M O R A N D U M -

DATE: September 11, 2023

TO: Tim Schloneger, Village Manager

FROM: Michael Kumbera, Deputy Village Manager/Chief Financial Officer

SUBJECT: *Chapter 3 Municipal Code Updates*

With the goal of optimizing procurement procedures to eliminate any undue bottlenecks in the approval process and granting field operations greater professional discretion, staff has undertaken a thorough examination of Chapter 3 of the Algonquin Municipal Code. In addition to our primary focus, we conducted a review to address any general housekeeping and clarification items. Below is a summary of the proposed modifications:

- 1. Section 3.02 – Treasurer**
 - a. Changes to this section primarily involve administrative updates, aimed at accurately reflecting the titles of staff members who have recently received promotions or undergone title changes.
- 2. Section 3.06 – Village Engineer**
 - a. Changes in this section recognizes the Village Engineer position as a employee of the Village instead retained consultant.
- 3. Section 3.10 – Village Manager**
 - a. Changes in this section recognizes the Village Engineer position as a employee of the Village instead retained consultant.
 - b. Recommendation to incorporate the term "commodities" into this section to enhance its clarity and define the scope more explicitly.
 - c. Recommendation to increase the authorization level for department heads to engage in contracts for services and commodities, raising it to \$10,000 from the current limit of \$4,000. A survey conducted across various Chicago metropolitan communities indicates a range of purchasing thresholds for department heads, spanning from \$1,000 to \$20,000. There are no suggested modifications to the purchasing threshold for the Village Manager.
- 4. Section 3.14 – Finance Director**
 - a. Changes in this section operationalize the previously mentioned proposals, including the approval of requisition and purchase orders in the Village Manager's absence, along with adjustments to administrative purchasing thresholds.

Finally, staff recommends a general policy and procedural change, which involves introducing a *de minimis* amount of 10 percent, in the form of a not-to-exceed value, for

service contracts approved by the Village Board. This change aims to empower field operations with increased professional discretion in project decisions, eliminating unnecessary delays. It's important to note that this adjustment will not apply to commodity contracts, which will continue to be presented at their stated value. No codification is required to implement this measure; instead, the Village Board will assess and approve each contract on a case-by-case basis through a Resolution. We sought to include this procedural discussion within the broader context of purchasing and procurement in this agenda item.

The Village Attorney's Office is currently reviewing the proposed codified changes and may have minor adjustments prior to Village Board approval. Staff will be available at and prior to the Committee of the Whole and Village Board meeting to answer any questions.

Recommendation

Staff recommends the Committee of the Whole forward this item to the Village Board for approval by ordinance at their next meeting.

Chapter 3
VILLAGE ADMINISTRATION

- 3.01 Clerk
- 3.02 Treasurer
- 3.03 Collector
- 3.04 Village Attorney
- 3.05 Building Commissioner
- 3.06 Village Engineer
- 3.07 Fiscal and Municipal Year
- 3.08 Corporate Seal
- 3.09 Compensation of Officers
- 3.10 Village Manager
- 3.11 Removal of Officers
- 3.12 Personnel Policies
- 3.13 Budget Officer
- 3.14 Finance Director
- 3.15 Code of Ethics
- 3.16 Rules for Meeting Attendance

3.01 **CLERK**, *amended 22-O-24*

A. General Duties, Oath, Bond: The Clerk shall have all powers and perform all duties provided by the laws of the State and the ordinances of the Village. The Clerk shall, before entering upon the duties of the office, take and subscribe the usual oath thereof and execute a bond to the Village, with sureties to be approved by the Village Board in the penal sum appearing in Appendix B, conditioned for the faithful performance of the Clerk's duties. The cost of the bond shall be paid by the Village.

B. Duties: The Clerk shall, in addition to the duties imposed by law, perform the following duties:

1. To attend all meetings of the Village Board and keep in a proper book to be styled the "Journal of the Village Board of Trustees of the Village of Algonquin" a full and accurate record of its proceedings. Meetings shall include regular, special, and annual meetings, when the Village Board meets as a Committee of the Whole, and meetings of the Local Liquor Control Commission.
2. To record all ordinances passed by the Village Board, in a suitable book or books kept for that purpose. At the foot of the record for each ordinance there shall be a note of the date of the passage, approval, and publication thereof, which record memorandum or certified copy thereof shall be evidence of the passage and publication of such legal ordinance for all purposes. The original of all ordinances passed by the Village Board shall be filed with the Clerk.
3. To issue notices to the members of the Village Board when directed to do so by the Board, also to the members of the different committees and to all persons whose attendance is required before any committee when directed or requested so to do by the chairperson of such committee.

4. To issue notices of special meetings of the Village Board.
5. To deliver to the President all ordinances or resolutions to be approved or otherwise acted upon by the President, together with all papers on which the same are founded.
6. To maintain custody of and retain possession of the corporate seal of the Village and to affix the same to all papers and documents when required.
7. To have custody of and safely keep and preserve, in the Clerk's office, all papers, books, records, maps, documents, and effects of every description belonging to the Village and not in actual use and possession of other Village officers. To deliver upon demand any of the aforesaid articles, when not needed for immediate use to any officer of the Village having a right to them. Upon the removal or resignation or the expiration of the term of office, to deliver all of such effects to the successor in the office of the Clerk.
8. To sign and keep a record of all licenses and permits issued by and on behalf of the Village and the applications therefore that are not the responsibility of any other officer or official.
9. To file and keep in the Clerk's office the original of all ordinances passed or a pamphlet thereof when the same are published in pamphlet form. When any ordinance is published in a newspaper, to secure from the publisher thereof and attach to such ordinance a certificate of such publication.
10. To prepare all commissions, licenses, permits, and other official documents required to be issued under the laws and ordinances of the Village and to affix the corporate seal thereto. In like manner to attest all deeds for the sale of real estate conveyed by the Village, unless otherwise provided by special ordinance.
11. To execute all orders given from time to time by the Village Board and shall pay over to the Treasurer any moneys belonging to the Village and shall attest the signature of the President to any and all proceedings of the Village Board.

C. Absence: In case the Clerk is absent from any regular or special meeting, the Deputy Clerk, if any, shall act as Clerk Pro Tem. In the absence of both the Clerk and Deputy Clerk, the President may appoint a Village staff member or one of the Trustees as Clerk Pro Tem; such appointment shall not prohibit such trustee from acting in the capacity of Trustee also.

D. Failure to Perform Duties: It shall be unlawful for the Clerk to knowingly and willfully destroy any of the records of the Village or knowingly or willfully omit or fail to perform any of the duties of office. For the violation of any of the provisions of this Section, upon conviction, a fine may be imposed in a sum as found in Appendix B.

E. Salary: The annual salary of the Clerk shall be that sum found in Appendix B.

F. Deputy Clerk: The Clerk may appoint one Deputy Clerk. Because the Clerk's position is part-time, said appointment shall be an employee of the Village who need not be a Village resident. In the absence of the Clerk, the Deputy Clerk will sign documents requiring the signature of the Clerk, and shall affix the Village seal to those documents requiring the Village seal and attend and take minutes of Village Board meetings.

3.02 **TREASURER** *Amended 2014-O-38, 22-O-24*

A. Appointment: The Treasurer shall be appointed by the President, with the advice and consent of the Village Board, at the annual meeting and shall hold office for a term to expire not later than the end of the last municipal year in the President's term and until a successor is appointed and qualified.

B. Bond: The Treasurer shall, before entering upon the duties of said office and within five days after such appointment and notice thereof, take and subscribe an oath of office and shall enter into a bond with good and sufficient sureties to be approved by the Village Board. The cost of the bond shall be paid by the Village. The amount of the bond shall be in accordance with the Illinois Municipal Code. The bond shall provide that the Treasurer will discharge the duties of the office imposed by the ordinances of the Village and the Illinois Compiled Statutes, and will pay over to the Village and all parties entitled thereto, any and all moneys that come into the hands of such officer or by virtue of any of the duties imposed by the ordinances of the Village and the Illinois Compiled Statutes. The bond shall run to the Village and shall be approved by the Village Board.

C. Duties: The Treasurer shall have the power and perform the duties required by law and by the ordinances of the Village and, among other things, it shall be the Treasurer's duty:

1. To receive all moneys due or belonging to the Village and to give a proper receipt therefore, and to deposit said funds pursuant to the Public Funds Investment Act (235 ILCS 235/1 *et seq.*) as may be from time to time designated as a depository by the President and Village Board, and to pay all orders or warrants authorized by the Village Board and properly drawn and properly signed as provided in Section 3.02-C2.
2. To pay all orders, warrants, and other disbursement checks, including salary and accounts payable, authorized by the Village Board. The ~~Assistant Deputy~~ Manager, ~~Comptroller~~, Clerk, Deputy Clerk, Manager, President, Deputy Treasurer and Treasurer are authorized to sign such documents; and two of the seven signatures are required.
3. To make an entry of the number, date, and amount of each such draft, to whom payable, against what fund drawn, and the date of its presentment for payment in a book for that purpose.
4. To keep, or cause to be kept, a suitable set of books showing in a clear and simple manner all monies received and from whom and on what account or fund they may be received and all monies paid out, to whom, and on what account or fund paid, and for what purpose, and to keep such books and accounts open to the examination of the Village President or any member of the Village Board.

5. To collect from the County Collector of each county in which the Village is located the taxes levied by the Village Board.
6. To annually file certificates of levy, which have been properly signed, with the County Clerk of each county in which the Village is located.
7. To prepare payroll information and submit to payroll services and complete all reports related thereto in a timely fashion, and to make payroll records available as prescribed by law.
8. To assist in the execution of the enacted budget ordinance, including the recommendation of administrative controls when required.
9. To invest surplus money in accordance with the applicable statutes and policies.
10. To complete all journals and ledgers and make them available within a reasonable time following the end of the fiscal year for the auditor to complete the fiscal audit as required by the Illinois Compiled Statutes.
11. To attend meetings of the Village Board and Committee of the Whole as may be required from time to time by the President and Village Board.
12. To supervise the arrangements for bond sales and maintain and provide reports on the debt of the Village.
13. To distribute from the general fund in the various Village funds such amounts as are set off therefore by the annual budget ordinance.
14. To deliver to the successor to office, at the expiration of the term of office, all books, papers, records, money, and things pertaining thereto.
15. To perform other duties and responsibilities as are required from time to time by the President and/or Manager.
16. To render an itemized account or report to the Manager at the beginning of each month. Such report shall show the condition of the books at the end of the preceding month and the balance of the money on hand in the treasury at the end of the preceding month. Such report shall also set forth an itemized statement showing the monies received and from whom and on what account they have been received and also all monies paid out and on what account they shall have been paid. Said report shall be a part of the Manager's monthly report that is submitted to the Village Board at the second meeting of the month.
17. Annual Report: The Treasurer shall render an itemized report and account to the Village Board annually, and make out and file with the Clerk, a full and detailed account of all the receipts and expenditures of the Village, and of all

the transactions as Treasurer during the fiscal year, which report the Clerk shall cause to be published in a newspaper printed and published in the Village, if there is one, and if not, then by publishing the same in a newspaper published in the county.

18. To perform the duties of the Finance Director, if so designated by the Manager.

D. Qualifications: The duties of the Treasurer, as set forth in Section 3.02-C, require technical training and knowledge. No person shall be appointed to the office of Treasurer unless such person has the requisite technical training and knowledge to discharge the duties as set forth in Section 3.02-C.

E. Superior Officer: The Treasurer shall report to the Manager.

F. Salary: The annual salary of the Treasurer shall be the sum found in Appendix B.

G. Deputy Treasurer: The Treasurer, with the approval of the Manager, may appoint up to two Deputy Treasurers who shall, in the absence of the Treasurer, perform the duties of the Treasurer, in addition to any duties assigned by the Treasurer.

3.03 COLLECTOR

A. Creation: There is hereby created and established, in and for the Village, the office of Collector. The Manager shall serve as the Collector.

B. Oath and Bond: The Collector shall, within five days after appointment and notice thereof, take and subscribe the oath of office and shall enter into a bond payable to the Village, with sureties to be approved by the Village Board in the penal sum as found in Appendix B, conditioned upon the faithful performance of the duties imposed by the ordinances of the Village and the Illinois Compiled Statutes, and to pay over to the Village and to all persons entitled thereto any and all money that may, at any time, come into the Collector's hands or by virtue of any of the duties imposed by the ordinances of the Village or Illinois Compiled Statutes. The cost of the bond shall be paid by the Village.

C. Duties: The Collector shall perform the duties which may from time to time be required by law and by the ordinances of the Village, and, among other things, it shall be the Collector's duty:

1. To collect all special assessments due and payable to the Village and keep proper and appropriate books and records wherein the records of such special assessments may be transcribed for preservation and reference.
2. To make a report to the Village Board at the close of each month, showing the money collected and the transactions of the office during such month and to file the report with the Clerk.
3. To make such other and further reports concerning the office and business transactions as may be required by the Village Board from time to time.

4. To make out all bills for water and sewer service and collect for same.
5. To give to each person paying money a receipt showing the amount paid and on what account such payment was made and to file a duplicate of such receipt with the monthly report.
6. To preserve and safely keep the books and records pertaining to the office and to maintain custody of said books and records unless so ordered by a court of competent jurisdiction or the Village Board. Upon the termination of office, to promptly turn over the same to the successor, or to such person as the Village Board may direct.

3.04 VILLAGE ATTORNEY *Amended, 2015-O-24*

A. The Village Attorney is a retained consultant to the Village and shall be appointed by the President, with the advice and consent of the Village Board, at the annual meeting. The appointment shall expire not later than the end of the last year in the President's term and until a successor is appointed and qualified.

B. The duties of the Village Attorney shall be as follows:

1. To give oral and written opinions on all questions of law submitted by the Village Board or the President thereof;
2. To prepare or cause to be prepared all drafts of ordinances, contracts, and other written instruments required by or for the Village and the Village Board;
3. To prosecute or defend all suits for or in behalf of the Village, subject to the order and direction of the President and Village Board; and
4. To perform such other legal duties as may be assigned by the Village Board.

3.05 BUILDING COMMISSIONER, *amended 22-O-24*

A. There is hereby established, in and for the Village, the office of Building Commissioner, also known as the Building Inspector, Building Official, or Building and Zoning Officer.

B. The Building Commissioner shall be appointed by the Manager for an indefinite term.

C. It shall be the duty of the Building Commissioner to enforce the building code of the Village and to supervise the construction, reconstruction, alteration and moving of all buildings and approve the issuance of all building permits.

D. Qualifications: The duties of the Building Commissioner as set forth in Section 3.05-C require technical training and knowledge. No person shall be appointed to the office of Building Commissioner unless such person has the requisite technical training and knowledge to discharge the duties as set forth in Section 3.05-C.

3.06 **VILLAGE ENGINEER** *Amended, 2015-O-24*

A. The Village Engineer is ~~a retained consultant to an employee of~~ the Village and shall be appointed by the ~~President~~Manager for an indefinite term, - , with the advice and consent of the Village Board, at the annual meeting. The appointment shall expire not later than the end of the last year in the President's term and until a successor is appointed and qualified.

B. The Village Engineer shall perform the duties set forth in this Code and such other duties as may be prescribed by the ~~Village Board~~Manager, or designee.

3.07 **FISCAL and MUNICIPAL YEAR**

The fiscal year of the Village shall begin on the first day of May of each year and end on the last day of April of the following year.

3.08 **CORPORATE SEAL** *amended 22-O-24*

The seal provided and used by the Village, which is of circular shape with an outline of a tower in the middle, framed by the Fox River and prairie grasses, and the inscription, "Village of Algonquin 1890," shall be and is hereby established and declared to be the corporate seal of the Village.

The seal previously provided and used by the Village, which is of circular shape with the impression of an American Indian's head, with headdress in the center, and the inscription, "Village of Algonquin," "Incorporated Feb. 1890" around the edge thereof, is hereby retired and shall be recognized as the historic seal of the Village. The historic seal may be used for any ceremonial documents and/or purposes as deemed appropriate by the Clerk, President or Manager.

The seals shall remain in the custody of the Clerk and be used in all cases provided for by ordinance or the Illinois Compiled Statutes, and in all such other cases whereby the use of the corporate seal becomes necessary.

3.09 **COMPENSATION OF OFFICERS**

The officers and employees of the Village shall receive such salary or compensation as shall be determined by the Village Board from time to time.

3.10 **VILLAGE MANAGER** *amended 22-O-24*

A. Appointment: There is hereby created the office of Village Manager (the "Manager"). The Manager shall be appointed by a majority vote of the Village Board for an indefinite term.

Applicants for Manager shall be interviewed by the Village Board, and the appointment of the Manager 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 Village Board.

The Manager shall be chosen exclusively on the basis of administrative and executive abilities, skills, education, qualifications, and experience. The office shall be considered a professional

position. No elected official of the Village shall be appointed Manager during the term of office for which the person was elected.

B. Acting Manager: In the event the office of Manager becomes vacant, the Village Board, in a majority vote, shall appoint an Acting Manager to perform the duties of the office until such time as a new Manager is appointed as provided herein. The Village Board shall have the authority to create a hierarchy of Village personnel who may temporarily serve as Acting Manager in the event the Manager is absent from the Village or incapacitated from performing the duties of the office.

C. Removal from Office: The Manager may be removed from office at any time for just cause by a majority vote of the Village Board. Not less than 10 days before such removal becomes effective, the Village Board shall furnish the Manager with a written statement setting forth its intentions to remove said Manager from office and the reasons therefore. If requested by the Manager, the Village Board shall conduct a public hearing on the matter during the 10-day period.

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

1. Execution of Policy: The Manager shall execute, on behalf of the Village Board, its policies, enforce its ordinances and resolutions, and otherwise administer the affairs of the Village as directed by the Village Board. The Manager shall have the authority and responsibility to research and analyze issues and alternatives, as well as to recommend policies, for consideration by the Village Board.
2. Meeting Attendance: The Manager shall attend all meetings of the Village Board and its committees. The Manager shall be permitted to take part in the discussion of all matters coming before the Village Board or its committees. The Manager shall be entitled to notice of all regular and special meetings of the Village Board and its committees.
3. Liaison with Boards and Commissions: The Manager shall cooperate with the advisory boards and commissions created by the Village Board and those that may be created. The Manager shall seek direction from the Village Board as to attendance at such meetings and the degree of staff support to be furnished to the various boards and commissions.
4. Supervision Over Departments and Employees: The Manager 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 3.10-~~E4D4~~, the persons holding the offices of Village Attorney ~~and Village Engineer are~~ is not considered ~~an~~ an employees of the Village. However, the Manager shall work closely with ~~those-that~~ officers to coordinate the Manager's efforts with their activities and responsibilities so that Village Board policies involving ~~those-that~~ offices are properly implemented.

5. Hiring, Appointments: Except for the appointment of the Village Attorney, ~~Engineer~~ and Treasurer, the Manager shall hire and appoint all department heads, as well as any other support staff that directly reports to the Manager. The Manager shall have the authority to hire all other employees or to approve their hiring as permitted in the budget adopted by the Village Board, except for those positions, offices, boards, commissions or other institutions whose appointment or hiring is otherwise governed by this Code or the Illinois Compiled Statutes. The recruitment, selection, hiring, evaluation, promotion, and discipline of employees shall be as provided in the Personnel Policy Manual adopted by the Village Board. The promotion and discipline of sworn police officers shall be governed by Section 4.08.
6. Collector, Budget Officer: The Manager shall serve as the Collector and Budget Officer, as provided for in this Code.
7. Budget Preparation and Administration: The Manager shall:
 - a. Prepare the annual operating and capital improvements budgets and submit them along with opinions and recommendations to the Village Board for review and approval.
 - b. Prepare the annual tax levy ordinance and annual budget ordinance for Village Board 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 Treasurer to ensure compliance with state, federal, and local law.
 - e. Act as the Village Purchasing Agent. In this capacity, the Manager shall develop a purchasing manual of procedures for the proper functioning of the purchasing system; approve all purchases previously approved in the annual budget and to be later authorized for payment by the Village Board on the List of Bills, and approve emergency purchases not to exceed \$30,000; assist in the preparation of bid specifications and related documents for Village Board review and approval when required; and administer the Board-approved annual budget after adoption.
8. Compensation Scale Recommendations: The Manager shall annually recommend to the Village Board for its adoption a standard schedule of compensation for employee classifications.
9. Reports and Studies: The Manager shall evaluate and report, not less frequently than monthly, to the Village Board on the operations of the Village departments. At the direction of the Village Board, the Manager shall conduct studies and submit reports and recommendations in those areas of concern to the Village Board.

10. Investigation of Complaints: The Manager 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.
11. General Recommendations: From time to time the Manager shall recommend to the Village Board 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 Village Board.
12. Matters Directed to Manager's Attention: All officers and department heads shall submit all matters requiring Village Board action or attention to the Manager, who shall submit them to the Village Board with such recommendations as may be deemed necessary. All direction to departments or employees made by the Village Board shall be submitted to the Manager, and the Village Board will then receive the information as to policy and departmental operations from the Manager. The Village Board will deal with administrative services and functions as much as practical through the Manager. In instances where a request or an inquiry is made directly to an employee by a Village Board member, the Manager should be advised of the matter as soon as possible.
13. Enforcement Authority: The Manager shall have the authority to enforce the laws, codes, and ordinances of the Village. The Manager 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 Manager 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 an accident, disaster, or other circumstance creating a public emergency, the Manager may award contracts, make purchases, and incur other obligations of the Village for the purpose of meeting said emergency, up to \$30,000. As soon as practical, the Manager shall file with the Village Board a written statement of such emergency, the necessity for such action, and an itemized account of all expenditures or obligations incurred.
15. Authorization to Approve Change Orders: The Manager is authorized to make change orders increasing or decreasing the cost of public contracts by less than \$10,000 or the time of completion by less than 30 days. Pursuant to the authority set forth in 720 ILCS 5/33E-9, the Village Board designates the Manager to approve change orders to any public contract increasing, or decreasing the cost thereof by more than \$10,000 or 15 percent of the awarded contract, whichever is greater, or the time of completion more than 30 days following consultation with respective contractors, vendors, and consultants, with documentation that determine that (a) the circumstances said to

necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, or (b) the change is germane to the original contract as signed, or (c) the change order is in the best interest of the Village and authorized by law. Copies of all change orders increasing or decreasing the cost of the contract by \$10,000 or more or the time for completion by 30 days or more shall be provided to the Village Board at its next regular meeting following the approval of said change order. The Village Board shall retain concurrent authority with the Manager to approve change orders to public contracts. Change orders, as referenced herein, shall only apply to an increase or decrease in either the cost of a public contract by a total of \$10,000 or more or the time of completion by a total of 30 days or more.

16. Service and Maintenance Contracts: The Manager shall have the authority to sign contracts for professional services, commodities, or routine services and maintenance that have been approved by the Village Board in the annual budget that are not otherwise subject to competitive bidding and at amounts not to exceed \$30,000. The Manager may grant authority to department heads and/or superintendents to sign contracts for professional services, commodities, and routine service and maintenance that have been approved by the Village Board in the annual budget at amounts not to exceed \$410,000.
17. Additional Duties: The Manager shall perform such other duties as may be required of or assigned by the Village Board, consistent with federal and state laws and Village ordinances.

E. Compensation: The compensation for the Manager shall be determined by the Village Board after an annual performance evaluation.

F. Bond: Before entering the duties of the office, the Manager 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 Manager. The cost of the premium for said bond shall be paid by the Village.

G. Residency: At the time of appointment, the Manager need not be a resident of the Village. The Manager shall establish residency within the Village with 90 days of the appointment, and shall maintain such residency during the term of the appointment. The Village Board may extend the time for establishing residency on showing of good cause, for up to one year. The Village Board may waive the residency requirement and permit the Manager's residence to be in close proximity to the Village, if so provided in the contract or letter of agreement regarding conditions of employment.

H. Other Employment: The Manager shall devote full time and effort to the performance of the Manager's 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 Village Board.

3.11 REMOVAL OF OFFICERS

The President and Village Board may remove any officer appointed hereunder at any regular or special meeting called for that purpose. In case an office shall become vacant, through removal,

resignation, or death of the incumbent before the expiration of the term of the office or the municipal year, then the President and Village Board may proceed to fill such vacancy in the same manner as provided for in the original appointment, and any office so appointed shall be subject to and governed by the provisions of this Code.

3.12 PERSONNEL POLICIES

The personnel policies of the Village, as approved from time to time, are published under separate cover and available for public inspection in the office of the Clerk.

3.13 BUDGET OFFICER

A. Creation: There is hereby created and established, in and for the Village, the office of Budget Officer. The Manager shall serve as the Budget Officer.

B. Oath and Bond: The Budget Officer shall, within five days after appointment and notice thereof, take and subscribe the oath of office and shall enter into a bond payable to the Village, with sureties to be approved by the Village Board. The bond posted for the Manager and Collector shall stand as security for the Budget Officer's bond. Said bond shall be conditioned upon the faithful performance of the duties imposed by the ordinances of the Village and the Illinois Compiled Statutes. The cost of the bond shall be paid by the Village.

C. Duties: The Budget Officer shall perform the duties which may from time to time be required by law and by the ordinances of the Village. In addition, the Budget Officer shall coordinate and participate in the following activities:

1. Permit, encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all municipal departments, commissions, and boards.
2. Compile the annual budget. Such budget shall contain estimates of revenues available to the Village for the fiscal year for which the budget is drafted, together with recommended expenditures for the Village and all the departments, commissions, and boards. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. Substantial conformity to a chart of accounts, now or in the future, recommended by the National Committee on Governmental Accounting, or the Illinois Comptroller, or the Local Government Services Bureau of the Illinois Department of Revenue or successor agencies shall be deemed proof of such conformity. The budget shall contain actual or estimated revenues and expenditures for the two years immediately preceding the fiscal year for which the budget is prepared. So far as possible, the fiscal data for such two preceding fiscal years shall be itemized in a manner which is in conformity with the chart of accounts approved above. Each budget shall show the specific fund from which each anticipated expenditure shall be made.
3. Examine all books and records of all departments, commissions, and boards which relate to monies received by the departments, commissions, and boards,

and paid out by the departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the departments, commissions, and boards.

4. Obtain such additional information from departments, commissions, and boards as may be useful to the Budget Officer for purposes of compiling a municipal budget. Such information shall be furnished by the departments, commissions, and boards in a form required by the Budget Officer. Any department, commission or board which refuses to make such information available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the Village until such department, commission, or board complies in full with the request of the Budget Officer.
5. Establish and maintain such procedures as shall ensure that no expenditures are made by the departments, commissions, or boards, except as authorized by the budget. Nothing herein shall prevent the Budget Officer from making intrafund transfers, which authority is hereby granted, for the purpose of balancing line items within the funds.

3.14 FINANCE DIRECTOR *Amended 2014-O-38, 22-O-24*

A. Finance Director Approval: The Manager or designee shall serve as the Finance Director. All bills and claims against the Village shall be referred to the Finance Director for processing. Upon the approval in writing of any bill by the Manager, the same shall be ready for payment upon the requisite vote of the Village Board but not otherwise. Any bill adversely reported by the Manager shall, on request of any two Trustees, be referred to the Committee of the Whole before the same shall be disallowed.

B. Requisitions/Purchase Orders: In accordance with the Village accounting/purchasing software, all purchases are entered electronically as requisitions and are automatically converted to purchase orders upon receipt of established electronic approvals. Electronic signatures on purchase orders and checks are acceptable pursuant to the system outlined in this Section. Anything contained herein to the contrary notwithstanding, the following requisition/purchase order procedures shall be followed:

1. Purchases less than \$1,000 require a requisition/purchase order.
2. Purchases of \$1,000 and over but less than \$410,000 must have a requisition/purchase order approved by the department head or designee.
3. Purchases of \$410,000 and over require a requisition/purchase order approved by the department head or designee. The requisition/purchase order must also be approved by the Manager. In the absence of the Manager, the Finance Director, Assistant-Deputy Village Manager, Treasurer, or Comptroller-Deputy Treasurer has the authority to approve requisition/purchase orders.
4. Once a requisition is approved electronically and converted to a purchase order, the department that originated the requisition will print copies for distribution (e.g., to the Finance Division, originating department, and

vendor).

5. Payment: Upon receipt of the invoice from the department that initiated the purchase order, a check to the vendor is prepared by the General Services Administration Department-Finance Division and sent to the vendor after Village Board approval.
6. Payments may be issued prior to Village Board approval of the List of Bills.
 - a. The Finance Division may process urgent payments as needed on a once-per-week basis pursuant to the approval process in this Section. All such purchases shall be reflected on the next issued List of Bills for Village Board confirmation.
 - b. Direct Invoices: All direct invoices must be approved by the Manager or designee. These include purchases that are made without going through the requisition/purchase order process. Examples of direct invoices are purchases made through authorized credit card purchases or emergency purchases.
7. Purchases Exceeding \$25,000: To the extent required by the Illinois Compiled Statutes, any work or other public improvement which will not be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed \$25,000, shall be constructed either (a) by a contract let to the lowest responsible bidder after advertising for bids or (b) without advertising for bids if authorized by a vote of two-thirds of all the Trustees then holding office. Such bids are to be ultimately submitted to the Village Board for review and approval.

In nearly all cases, the lowest responsible bid will be accepted. Advertising for bids should take place in local newspapers. In addition, Village representatives may choose to send a notice of bid to prospective bidders.

Following approval of bids, a requisition/purchase order for the purchase in question shall be submitted to the Manager pursuant to this Section.

8. Blanket Purchase Orders: These may be issued only upon approval of the department head, or designee, and the Manager. Blanket purchase orders are used when numerous small purchases are made from a given vendor on a frequent basis. Establishment of blanket purchase orders shall be pursuant to this Section.
9. Emergency Purchases: The Manager may authorize emergency purchases up to \$30,000.

C. Purchase Card Program: The Finance Director shall be charged with implementing and overseeing the Village Purchase Card Program and shall present to the Village Board procedures for the program, to be adopted by motion of the Village Board. Said procedures may be amended from time to time by motion of the Village Board.

3.15 CODE OF ETHICS

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 has 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 Village officers and employees.

C. Definitions: In addition to the definitions found in Appendix A of this Code, the terms, whether capitalized or not, used in this Section 3.15 shall mean as follows:

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 5/1-3 of the Election Code (10 ILCS 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 ILCS 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 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 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 employment.

Contribution has the same meaning as that term is defined in Section 5/9-1.4 of the Election Code

(10 ILCS 5/9-1.4).

Employee means a person employed by the Village, 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.

Employer means the Village.

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, 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, a judge or employee of the judicial branch of the government of the State, an officer or employee of the executive branch of the government of the State, 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 5/9-3 of the Election Code (10 ILCS 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 an 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; or

4. Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

Relative means someone 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.

A. 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~~they are a member or an officer of a political committee, of a political party, or of a political organization or club.

B. 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 3.15-E.1 is not applicable to the following:
 - a. Opportunities, benefits, and services that are available on the same conditions as for the general public.
 - b. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
 - c. Any (i) contribution that is lawfully made under the Election Code; or (ii) activities associated with a fund-raising event in support of a political organization or candidate.
 - d. Educational materials and missions.
 - e. Travel expenses for a meeting to discuss business.
 - f. A gift from a relative.
 - g. 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: (i) 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; (ii) 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 (iii) 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.
 - h. 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.
 - i. 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.

- j. Intra-governmental and inter-governmental gifts.
- k. Bequests, inheritances, and other transfers at death.
- l. 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.

C. Ethics Advisor:

- 1. The Manager, with the advice and consent of the Village Board, shall designate an Ethics Advisor for the Village. The duties of the Ethics Advisor may be delegated to a Village officer or employee unless the position has been created as an office by the Village.
- 2. The Ethics Advisor shall provide guidance to the Village officers and employees 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.

D. Ethics Commission:

- 1. There is hereby created a commission to be known as the Ethics Commission of the Village ("Commission" for purposes of this Section). The three-member Commission shall be comprised of the Manager, the Chief of Police, and the Human Resources Director. The Commission will hear and consider ethics complaints pursuant to the procedure in this Section as they pertain to Village employees and appointed officers.
- 2. There is also hereby created an Ad Hoc Ethics Committee. This ad hoc ethics committee shall exercise all the powers and duties of the Commission pursuant to this Section in the event ethics complaints or charges are filed against elected officers. The Ad Hoc Ethics Committee shall be comprised of three members appointed by the Manager with the advice and consent of the Village Board. No person shall be appointed as a member of the Ad Hoc

Ethics Committee who is related, either by blood or marriage up to the degree of first cousin, to any elected Village officer.

3. 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.
4. 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.
5. The Manager, 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 10 days' notice. Vacancies shall be filled in the same manner as original appointments.
6. The Commission shall have the following powers and duties:
 - a. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
 - b. 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 3.15-D and 3.15-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.
 - c. 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.
 - d. 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 Village officers and employees 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.

- e. To prepare and publish such manuals and guides as the Commission deems appropriate to facilitate compliance with the terms of this Section.
- f. The powers and duties of the Commission are limited to matters clearly within the purview of this Section.

7. Complaints:

- a. Complaints alleging a violation of this Section shall be filed with the Commission.
- b. 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.
- c. 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 (5 ILCS 120/2(c)). 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, 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.
- d. If the complaint is deemed sufficient to allege a violation of Section 3.15-E and there is a determination of probable cause, 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.

- e. If the complaint is deemed sufficient to allege a violation of Section 3.15-D, 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.
- f. If the Commission elects to hear a case brought under Section 3.15-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.
- g. Within 30 days after the date the hearing or any recessed hearing of a case brought under Section 3.15-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 Manager 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.
- h. If the hearing on a case brought under Section 3.15-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 14 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 Manager or other officer having authority to discipline the officer or employee or impose a fine upon the violator, or both.
- i. If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under Section 3.15-G7g herein 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.
- j. A complaint alleging the violation of this Section must be filed within one year after the alleged violation.
- k. 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 by the President, with the advice and consent of the Village Board, for purposes relating to this matter only.

E. Penalties:

1. A person who intentionally violates any provision of Section 3.15-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 pursuant to Appendix B.
2. A person who intentionally violates any provision of Section 3.15-D is subject to a fine pursuant to Appendix B.
3. The Commission may impose an administrative fine upon any person who knowingly files a frivolous complaint alleging a violation of this Section pursuant to Appendix B.
4. In addition to any administrative fines imposed pursuant to Section 3.15-E3, any person who intentionally makes a false report alleging a violation of any provision of Section 3.15 to the 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 pursuant to Appendix B.
5. A violation of Section 3.15-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 3.15-D may be prosecuted as a quasi-criminal offense by the 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.

F. Distribution of Code of Ethics: The Human Resources Director shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village within 30 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 *Amended 20-21-09*

Meetings of any board, commission, or committee shall be held in accordance with the Open Meetings Act, 5 ILCS 120/1 *et seq.*, and more specifically, shall be subject to the following rules:

A. Rules for Individual Member Remote Attendance.

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 physically present, a member may be allowed to attend the meeting by audio or video conferencing, if available.
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 Manager 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 physically present may allow the member to attend a meeting as provided in paragraph 2 above.
5. The minutes of every meeting shall reflect the members physically present, absent, and present by audio or video conference.

B. Remote Attendance Without a Quorum Physically Present in the Event of a Disaster Declaration. Notwithstanding the provisions of Section A above, when the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act and any part of the Village is covered by the disaster declaration, then any open or closed meeting of any Village body subject to the requirements of the Illinois Open Meetings Act (5 ILCS 120) may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the requirements of the Illinois Open Meetings Act (as may be amended) for such meetings have been met.

ORDINANCE NO. 2023 - O - _____

An Ordinance Amending Chapter 3 Village Administration of the Algonquin Municipal Code

WHEREAS, the Village of Algonquin, McHenry and Kane counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane counties, Illinois, as follows:

SECTION 1: Section 3.02-C (2) of the Algonquin Municipal Code shall be amended to read as follows:

- 2 To pay all orders, warrants, and other disbursement checks, including salary and accounts payable, authorized by the Village Board. The Deputy Manager, Clerk, Deputy Clerk, Manager, President, Deputy Treasurer and Treasurer are authorized to sign such documents; and two of the seven signatures are required.

SECTION 2: Section 3.06 of the Algonquin Municipal Code shall be amended to read as follows:

- A. The Village Engineer is an employee of the Village and shall be appointed by the Manager for an indefinite term.
- B. The Village Engineer shall perform the duties set forth in this Code and such other duties as may be prescribed by the Manager, or designee.

SECTION 3: Section 3.10-D (4,5,16) of the Algonquin Municipal Code shall be amended to read as follows:

4. Supervision Over Departments and Employees: The Manager 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 3.10-D4, the person holding the office of Village Attorney is not considered an employee of the Village. However, the Manager shall work closely with that officer to coordinate the Manager's efforts with their activities and responsibilities so that Village Board policies involving that office are properly implemented.
5. Hiring, Appointments: Except for the appointment of the Village Attorney and Treasurer, the Manager shall hire and appoint all department heads, as well as any other support staff that directly reports to the Manager. The Manager shall have the

authority to hire all other employees or to approve their hiring as permitted in the budget adopted by the Village Board, except for those positions, offices, boards, commissions or other institutions whose appointment or hiring is otherwise governed by this Code or the Illinois Compiled Statutes. The recruitment, selection, hiring, evaluation, promotion, and discipline of employees shall be as provided in the Personnel Policy Manual adopted by the Village Board. The promotion and discipline of sworn police officers shall be governed by Section 4.08.

16. Service and Maintenance Contracts: The Manager shall have the authority to sign contracts for professional services, commodities, or routine services and maintenance that have been approved by the Village Board in the annual budget that are not otherwise subject to competitive bidding and at amounts not to exceed \$30,000. The Manager may grant authority to department heads and/or superintendents to sign contracts for professional services and routine service and maintenance that have been approved by the Village Board in the annual budget at amounts not to exceed \$10,000.

SECTION 4: Section 3.14-B of the Algonquin Municipal Code shall be amended to read as follows:

- B. Requisitions/Purchase Orders: In accordance with the Village accounting/ purchasing software, all purchases are entered electronically as requisitions and are automatically converted to purchase orders upon receipt of established electronic approvals. Electronic signatures on purchase orders and checks are acceptable pursuant to the system outlined in this Section. Anything contained herein to the contrary notwithstanding, the following requisition/purchase order procedures shall be followed:
 1. Purchases less than \$1,000 require a requisition/purchase order.
 2. Purchases of \$1,000 and over but less than \$10,000 must have a requisition/purchase order approved by the department head or designee.
 3. Purchases of \$10,000 and over require a requisition/purchase order approved by the department head or designee. The requisition/purchase order must also be approved by the Manager. In the absence of the Manager, the Finance Director, Deputy Village Manager, Treasurer, or Deputy Treasurer has the authority to approve requisition/purchase orders.
 4. Once a requisition is approved electronically and converted to a purchase order, the department that originated the requisition will print copies for distribution (e.g., to the Finance Division, originating department, and vendor).
 5. Payment: Upon receipt of the invoice from the department that initiated the

purchase order, a check to the vendor is prepared by the General Services Administration Department-Finance Division and sent to the vendor after Village Board approval.

6. Payments may be issued prior to Village Board approval of the List of Bills.
 - a. The Finance Division may process urgent payments as needed on a once-per-week basis pursuant to the approval process in this Section. All such purchases shall be reflected on the next issued List of Bills for Village Board confirmation.
 - b. Direct Invoices: All direct invoices must be approved by the Manager or designee. These include purchases that are made without going through the requisition/purchase order process. Examples of direct invoices are purchases made through authorized credit card purchases or emergency purchases.
7. Purchases Exceeding \$25,000: To the extent required by the Illinois Compiled Statutes, any work or other public improvement which will not be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed \$25,000, shall be constructed either (a) by a contract let to the lowest responsible bidder after advertising for bids or (b) without advertising for bids if authorized by a vote of two-thirds of all the Trustees then holding office. Such bids are to be ultimately submitted to the Village Board for review and approval.

In nearly all cases, the lowest responsible bid will be accepted. Advertising for bids should take place in local newspapers. In addition, Village representatives may choose to send a notice of bid to prospective bidders.

Following approval of bids, a requisition/purchase order for the purchase in question shall be submitted to the Manager pursuant to this Section.
8. Blanket Purchase Orders: These may be issued only upon approval of the department head, or designee, and the Manager. Blanket purchase orders are used when numerous small purchases are made from a given vendor on a frequent basis. Establishment of blanket purchase orders shall be pursuant to this Section.
9. Emergency Purchases: The Manager may authorize emergency purchases up to \$30,000.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment

shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:

Voting Nay:

Abstain:

Absent:

APPROVED:

Village President Debby Sosine

(SEAL)

ATTEST: _____
Village Clerk Fred Martin

Passed:

Approved:

Published:



VILLAGE OF ALGONQUIN
GENERAL SERVICES ADMINISTRATION

- M E M O R A N D U M -

DATE: September 13, 2023

TO: Tim Schloneger, Village Manager

FROM: Michael Kumbera, Deputy Village Manager/Chief Financial Officer

SUBJECT: *Chapter 6 and Appendix B Municipal Code Updates*

Staff has reviewed Chapter 6, Water and Sewer Department, of the Algonquin Municipal Code for general operational updates, which are summarized as follows:

Firstly, we recommend an amendment to section 6A.28 to clearly indicate that the annual Consumer Price Index (CPI) adjustment for water and sewer user fees will be determined using a rolling three-year average. This modification was integrated into the FY 23/24 budget to mitigate fluctuations and provide stability in annual adjustments, particularly for customers who may otherwise face the impact of recent periods of high inflation.

Secondly, we propose an adjustment to the "Manual meter reading fee" outlined in Appendix B to accurately reflect the actual costs incurred for this service. The fee's last revision took place in 2018, and the new rate has been calculated using the same formula as the previous adjustment, considering current costs.

Lastly, we recommend incorporating language to facilitate the Village's compliance to the Lead Service Line Replacement and Notification Act. Should a water service customer fail to respond to Village requests for either: 1.) granting consent for lead service line replacement, or 2.) submitting a waiver for the Illinois Environmental Protection Agency, the Village may impose a penalty of \$250 through the administrative adjudication program.

The Village Attorney's Office is currently reviewing the proposed codified changes and may have minor adjustments prior to Village Board approval. Staff will be available at and prior to the Committee of the Whole and Village Board meeting to answer any questions.

Recommendation

Staff recommends the Committee of the Whole forward this item to the Village Board for approval by ordinance at their next meeting.

6A.23 WATER SERVICE PIPE

The water service pipe extends from the Village water main to and includes the curb stopcock which shall be located in a street or an easement as directed by the Director.

The pipe, valves and fittings used for the service pipe shall be as specified by the Director. The Director may make the service pipe tap to the water main or the Director may allow the user's contractor to make the connection under the supervision of the Director.

The permittee shall pay all costs of installing the service including such material and services provided by the Village. The Village shall maintain the water service pipe.

In accordance with the Lead Service Line Replacement and Notification Act (415 ILCS 5/17.12), the Village mandates that all water service customers who withhold consent for the replacement of lead service lines on their property must complete and submit a waiver to the Village. In cases where a water service customer does not furnish a duly signed waiver following reasonable efforts to secure one, the Village retains the authority to enforce penalties as outlined in Appendix B of this municipal code.

6A.28 COMBINED WATER AND SEWER SERVICE CHARGE *Amended, 16-O-03, 09-O-07, 02-5-08, 99-O-12*

A. There shall be and there are hereby established rates or charges for the use of and for the service supplied by the Village water and sanitary sewer facilities based on the amount of water consumed. Those rates can be found in Appendix B of this Code. Beginning on November 1, ~~2022~~2023, and annually on November thereafter, water and sewer user charges shall increase by the All Items Consumer Price Index ("CPI") for Urban Consumers (1982-84 = 100) for the Chicago Consolidated Metropolitan Statistical Area. The increase in question shall be determined by calculating a rolling average based on the immediately preceding three (3) complete calendar years. An electronic billing rebate is available to those users who make an automated clearing house (ACH) payment. The amount of the rebate is listed in Appendix B of this Code.

APPENDIX B

<u>6A.23</u>	<u>Water Service Pipe, Penalty</u>	<u>\$250</u>
6A.28-C	Manual meter reading fee	<u>\$3443</u>

ORDINANCE NO. 2023 - O -

An Ordinance Amending Chapter 6A Water and Sewer Department, and Appendix B of the Algonquin Municipal Code

WHEREAS, the Village of Algonquin, McHenry and Kane counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane counties, Illinois, as follows:

SECTION 1: Section 6A.23 of the Algonquin Municipal Code shall be amended to read as follows:

The water service pipe extends from the Village water main to and includes the curb stopcock which shall be located in a street or an easement as directed by the Director.

The pipe, valves and fittings used for the service pipe shall be as specified by the Director. The Director may make the service pipe tap to the water main or the Director may allow the user's contractor to make the connection under the supervision of the Director.

The permittee shall pay all costs of installing the service including such material and services provided by the Village. The Village shall maintain the water service pipe.

In accordance with the Lead Service Line Replacement and Notification Act (415 ILCS 5/17.12), the Village mandates that all water service customers who withhold consent for the replacement of lead service lines on their property must complete and submit a waiver to the Village. In cases where a water service customer does not furnish a duly signed waiver following reasonable efforts to secure one, the Village retains the authority to enforce penalties as outlined in Appendix B of this municipal code.

SECTION 2: Section 6A.28-A of the Algonquin Municipal Code shall be amended to read as follows:

- A. There shall be and there are hereby established rates or charges for the use of and for the service supplied by the Village water and sanitary sewer facilities based on the amount of water consumed. Those rates can be found in Appendix B of this Code. Beginning on November 1, 2023, and annually on November thereafter, water and sewer user charges shall increase by the All Items Consumer Price Index ("CPI") for Urban Consumers (1982-84 = 100) for the Chicago Consolidated Metropolitan Statistical Area. The increase in question shall be determined by calculating a rolling average based on the immediately preceding three (3) complete calendar years. An electronic billing rebate is available to those users who make an

automated clearing house (ACH) payment. The amount of the rebate is listed in Appendix B of this Code.

SECTION 3: The following entries in Appendix B of the Algonquin Municipal Code shall be amended to read as follows:

6A.23	Water Service Pipe, Penalty	\$250
6A.28-C	Manual meter reading fee	\$43

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:

Voting Nay:

Abstain:

Absent:

DRAFT

APPROVED:

Village President Debby Sosine

(SEAL)

ATTEST: _____
Village Clerk Fred Martin

Passed:

Approved:

Published: