

TAZEWELL COUNTY, ILLINOIS

CODE OF ORDINANCES

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TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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§ 10.01 TITLE OF CODE.

This codification by and for Tazewell County shall be designated as "The Code of Tazewell County" and may be so cited.

§ 10.02 DEFINITIONS.

For the purpose of this code the following definitions shall apply unless the context clearly indicates or requires a different

meaning.

ANOTHER. When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

COUNTY. Tazewell County, Illinois.

COUNTY BOARD. The County Board of Tazewell County, Illinois.

(5 ILCS 70/1.07)

COURT. Construed to mean any court of competent jurisdiction.

DECREE. Synonymous with **JUDGMENT.**

(5 ILCS 70/1.24)

ELECTORS. Persons qualified to vote for elective officers at municipal elections.

(65 ILCS 5/1-1-2)

EXECUTIVE OFFICER. Words used for an executive or ministerial officer may include any deputy or other person performing the duties of such officer, either generally or in special cases.

(5 ILCS 70/1.08)

HERETOFORE or **HEREAFTER.** **HERETOFORE** means any time previous to the day on which the ordinance, resolution, or statute takes effect; **HEREAFTER** means at any time after that date.

(5 ILCS 70/1.17)

HIGHWAY, ROAD, or STREET. May include any road laid out by authority of the United States, or of this state, or of any town or county of this state, and all bridges thereupon.

(5 ILCS 70/1.16)

ILCS. Illinois Compiled Statutes, 1992, as heretofore and hereafter amended.

KEEPER or **PROPRIETOR.** Includes all persons, whether acting by themselves, or as a servant, agent, or employee.

LAND or **REAL ESTATE.** Includes rights and easements of an incorporeal nature.

MAY. The act referred to is permissive.

MONTH. A calendar month.

(5 ILCS 70/1.10)

MUNICIPAL CODE. The Illinois Municipal Code, 65 ILCS 5.

OATH. Includes affirmation, and **SWEAR** includes affirm.

(5 ILCS 70/1.12)

OWNER. When applied to property, includes any part owner, joint owner, purchaser and seller under a contract and/or deed, or tenant in common of the whole or part of the property, and includes any beneficiary of a land trust which owns property.

PERSON. Any legal person; includes associations, partnerships, corporations, joint ventures, and bodies politic and corporate as well as individuals.

(5 ILCS 70/1.05)

PERSONAL PROPERTY. Includes all property except real.

POLICE FORCE. Shall be construed to include such persons in the employ of the county as members of the Department of Police, who are or shall hereafter be appointed and sworn as police officers.

(5 ILCS 70/1.20)

POLICE OFFICERS. Police officers employed and in the service of Tazewell County.

PREMISES. As applied to property, includes land and buildings.

PROPERTY. Includes real, personal, mixed estates, and other interests.

PUBLIC AUTHORITY. Includes school districts; units of legal government; the village, city, county, state, or federal governments, officers and agencies thereof, or any commissions or committees thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public

conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGISTERED MAIL. Includes certified mail and **CERTIFIED MAIL** includes registered mail.

SHALL. The act referred to is mandatory.

SIDEWALK. That portion of the street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

(625 ILCS 5/1-188)

SPECIAL DISTRICTS. The meaning ascribed in Article VII of the Constitution of the State of Illinois of 1970.

(5 ILCS 70/1.29)

STATE. The State of Illinois.

STREET. Where the context admits, includes alleys, lanes, courts, boulevards, squares, and other public thoroughfares.

TENANT or **OCCUPANT.** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

THIS CODE or **THIS CODE OF ORDINANCES.** The county code hereby adopted, and as hereinafter modified by amendment, revision, and by the adoption of new titles, chapters, or sections.

UNITS OF LOCAL GOVERNMENT. The meaning established in § 1 of Article VII of the Constitution of the State of Illinois of 1970.

(5 ILCS 70/1.28)

WEEK. Seven consecutive days.

WHOEVER. Includes all persons, natural and artificial; partners, principals, agents, and employees; and all officials, public or private.

WRITTEN or **IN WRITING.** Includes printing, electronic, and any other mode of representing words and letters; but when the written signature of any person is required by law on any official or public writing or bond, required by law, it shall be:

(1) In the proper handwriting of that person, or in case he or she is unable to write, his or her proper mark; or

(2) An electronic signature as defined in the Electronic Commerce Security Act, 5 ILCS 175/1-101 et seq., except as otherwise provided by law.

(5 ILCS 70/1.15)

YEAR. A calendar year unless otherwise expressed; and the word **YEAR** alone is equivalent to the expression "Year of Our Lord".

(5 ILCS 70/1.10)

§ 10.03 SECTION HEADINGS.

Headings and captions used in this code are employed for reference purposes only, and shall not be deemed a part of the text of any section.

§ 10.04 RULES OF CONSTRUCTION.

(A) Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative or judicial definition or otherwise, shall be construed accordingly.

(B) As used in this code, unless the context otherwise requires, the following rules will be followed:

(1) The singular shall include the plural, and the plural shall include the singular;

(5 ILCS 70/1.03)

(2) Words of one gender shall include the other genders;

(5 ILCS 70/1.04)

(3) Words in the present tense shall include the future; and

(5 ILCS 70/1.02)

(4) **AND** may be read **OR**, and **OR** may be read **AND**, if the context admits.

(C) The time within which any act provided by law is to be done shall be computed by excluding the first day and

including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding Saturday, Sunday, or a holiday is also a holiday or a Saturday or Sunday, then the succeeding day shall also be excluded.

(5 ILCS 70/1.11)

(D) When the law requires an act to be done which may by law as well be done by an agent as by the principal, the requirement shall be construed to include all such acts when done by an authorized agent.

(E) Words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving authority to a majority of the officers or persons.

(5 ILCS 70/1.09)

(F) These rules of construction shall not apply to any provision of this code which shall contain any express provision excluding that construction, or when the subject matter or context of this code may be repugnant thereto.

(G) All general provisions, terms, phrases, and expressions shall be liberally construed in order that the true intent and meaning of the County Board may be fully carried out.

(5 ILCS 70/1.01)

(H) The provisions of any ordinance, insofar as they are the same as those of any prior ordinance, shall be construed as a continuation of the prior provisions, and not as a new enactment.

(5 ILCS 70/2)

§ 10.05 OFFICIAL TIME.

The official time for the county shall be as set by federal law.

§ 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(A) The repeal of a repealing ordinance does not revive the ordinance originally repealed, nor impair the effect of any saving clause therein.

(B) The reenactment, amendment, or repeal of an ordinance does not do any of the following, except as provided in division (C) of this section:

(1) Affect the prior operation of the ordinance or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal; or

(4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment. The investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the ordinance had not been repealed or amended.

(C) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.

§ 10.07 REFERENCE TO OTHER SECTIONS.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(B) References in this code to action taken or authorized under designated sections of this code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision and the context clearly indicates that the reference to the section as amended or revised was not intended.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of these codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.09 AMENDMENTS TO CODE.

All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in

accordance with the numbering system of this code and printed for inclusion herein, or in the case of repealed chapters, sections, and subsections, or any part thereof, by subsequent ordinances, the repealed portions may be excluded from the code by the omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of subsequent ordinances until this code of ordinances and subsequent ordinances numbered or omitted are re-adopted as a new code of ordinances by the County Board.

§ 10.10 SEVERABILITY.

If any provisions of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

§ 10.11 REFERENCE TO PUBLIC OFFICE OR OFFICER.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the county exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary. Such references shall also include the designee or agent of any such officer or office, unless the law or the context clearly requires otherwise.

§ 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature (including, but not limited to, tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming, or vacating streets, alleys, or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the county; and all special ordinances) as well as any other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the County Board or a certain county officer or employee to make additional regulations for the purpose of carrying out the intent of the ordinance, all regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 10.16 TECHNICAL CODES.

Whenever any technical codes are incorporated herein by reference, any subsequent amendments or revisions to such technical codes shall automatically become a part of this code and shall be made available for public inspection by the county. Further, to the extent of any conflict between the technical provisions of this code and any technical codes adopted by reference, the most restrictive provision shall prevail.

§ 10.17 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example:

(Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) An "ILCS" cite included in the history indicates that the text of the section reads either verbatim or substantially the same as the statute. Example:

(65 ILCS 5/3.1-2-1)

(2) An "ILCS" cite set forth as a "statutory reference" following the text of the section indicates that the reader should refer to that statute for further information. Example:

§ 38.04 PUBLIC RECORDS AVAILABLE.

The county shall make available to any person for inspection or copying all public records, as provided in the Illinois Freedom of Information Act.

Statutory reference:

Freedom of Information Act, see 5 ILCS 140 /1 et seq

§ 10.99 GENERAL PENALTY.

Whoever violates any provision of this code or other ordinance of this county for which another penalty is not specifically provided, shall be fined not more than \$750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

Statutory reference:

Authority to imprison for certain ordinance violations, see 65 ILCS 5/1-2-1.1

Limitations on penalties and collection upon default in payment, see 65 ILCS 5/1-2-1

TITLE III: ADMINISTRATION

Chapter

- 30. COUNTY OFFICIALS
- 31. COUNTY POLICIES
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CHAPTER 30: COUNTY OFFICIALS

Section

County Administrator

- 30.01 Establishment
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COUNTY ADMINISTRATOR

§ 30.01 ESTABLISHMENT.

There is hereby created the position which shall be known as "County Administrator" to advise, assist, act as agent for, and be responsible to the County Board, hereinafter referred to as the "Board", for the proper and efficient administration of such affairs of the county as are assigned to the position by the Board.

(Prior Code, 1 TCC 3-1) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.02 INTENT.

It is the intent of the Board to grant to the County Administrator only those powers and duties which are administrative or

ministerial in nature and which are necessary to the property execution of policy as established by the Board. No provision of this subchapter is intended to vest the County Administrator any duty, or grant to the position any authority which is vested by general law or this code with any other county officer. No provision of this subchapter shall be construed to delegate or commit the county in any manner, except as provided herein or by the express grant of authority by the Board. It is the intention of the Board in adopting this subchapter only to create a position to which may be delegated certain administrative duties to be performed in and under its direction.

(Prior Code, 1 TCC 3-2) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.03 APPOINTMENT.

Upon the adoption of this subchapter, and subsequently upon the creation of a vacancy in office of County Administrator, the County Board Chairperson shall appoint an Ad Hoc Screening Committee (herein referred to as the "Committee").

(Prior Code, 1 TCC 3-3) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.04 AD HOC SEARCH AND SCREENING COMMITTEE.

(A) *Committee structure.* The Committee shall consist of the County Board Chairperson and six County Board members, in proportion to the two major political parties or as approved by the consensus of the full County Board and up to four elected county control officers and/or department heads. The elected control officers/department heads shall be non-voting members of the Committee.

(B) *Candidate recruitment.* Following recommendations for the method of process for soliciting, advertising, searching, and screening for the County Administrator position from the County Board Executive Committee and subsequent approval by the County Board, the Committee shall proceed with the search process for the County Administrator position. The Committee shall not be restricted in the method of soliciting applicants for the position for County Administrator, including, but not limited to, professional employment recruiters or non-government organizations. The Committee shall solicit applications for the position of County Administrator, shall consider any applications received, and shall recommend to the County Executive Committee no more than three applications for consideration. All candidates shall meet the minimum requirements as set forth in § 30.07. A deadline for submitting applications is to be set.

(C) *Budget.* The Committee shall be authorized for expenditures not to exceed one-third of the County Administrator budgeted annual salary in the County Administrator search process, including, but not limited to: contracting with professional private or non-government executive recruitment agencies or organizations; advertisement of the position vacancy; travel, lodging, and meal expenses of candidates; a verification of final candidates' references, employment, and education background; a discreet criminal and credit history background check, Committee member per diems, and mileage.

(D) *Selection process.* Once the deadline for submitting applications has passed and all applications have been received, the selection process shall begin. Principal steps for the Committee include: reviewing applications; interviewing candidates and references; employment, education, criminal background, and credit history checks for determining finalists; and conducting such post-interview activities as second interviews and recommendations of finalists.

(E) *Reviewing applications.* All resumes shall be acknowledged as soon as they are received and the acknowledgment shall incorporate a broad timetable that provides the Committee with adequate review time before finalists are selected. Upon completion of the resume review process, the Committee shall have narrowed the field of candidates to a smaller group for an initial in-person interview.

(F) *Assessment process.* After first in-person interviews and taking in consideration all the relevant information, work-related employment, reference and employment history background checks, and including recommendations from all members of the Committee, the field of candidates shall be narrowed to up to five finalists.

(G) *Candidate finalist process.*

(1) The Committee shall confirm with each candidate that he or she has been selected as a finalist. The continuing interest of the candidate is to be confirmed. Each finalist will be advised the following: the nature of the second and/or final interview process, including date and time; how many other candidates are finalists; whether any are in-house candidates; and when a final decision is expected. All information will be confirmed to the finalist in a follow-up letter. The Committee shall mail a more complete package of information to the finalist in advance of the second/final interview. The information shall include the following current documents:

- (a) Budget and latest county financial statement (Auditor's report);
- (b) Treasurer's report;
- (c) Revenue and expenditures report;
- (d) Organization chart;
- (e) County Zoning Code;
- (f) Copies of County Board minutes for the previous three months;

- (g) Any/recent bond prospectus;
- (h) Personnel rules and regulations; and
- (i) Chamber of Commerce information on area.

(2) The Committee shall instruct the finalists that they should handle and coordinate all reservations and transportation within the time frame scheduled for final interviews. The finalists will be offered reimbursement of transportation, lodging, meals, and related expenses incurred in conjunction with the interview.

(H) *Second/final interview process.* The second/final interview process shall be well organized and the setting comfortable. This process shall not only provide the Committee with an opportunity to improve its knowledge of the finalist, but also influence the candidate's interest in the position. The finalist shall be questioned about a variety of matters, including, but not limited to: overall work experience; specific accomplishments; career objectives; alternative approaches to practical problems facing the county; working relationship with the County Board, elected control officers, and department heads; and clarifying all roles and responsibilities.

(I) *Evaluation.* The Committee shall rank the candidates based on an employment evaluation point system and make a recommendation to the Executive Committee of up to three top finalists for the County Administrator position. The Executive Committee shall make a recommendation of the top three finalists to the County Board. Voting by the Executive Committee shall be by roll call.

(J) *Finalist background check.* Before consideration by the County Executive Committee, a more extensive background check shall be conducted by the appropriate county authority or the contracted executive search firm and with the advance knowledge and written authorization of the finalists. This final background check shall include a verification of employment and education, a discreet criminal background and credit history check, and if possible, a site visit by Committee members to the finalist's place of current employment. If a site visit is not possible, reference checks should be conducted of all references provided by the finalist and interviews with individuals in the finalist's current community.

(K) *Selection process.* The County Board will meet, following recommendations of the Executive Committee, and shall choose a County Administrator.

(1) The County Board shall consider the top-ranked candidate first. Voting by the County Board shall be by roll call and votes from a two-thirds majority of the members present and voting is necessary for selection of a County Administrator finalist candidate.

(2) If the first top-ranked candidate fails to receive a two-thirds majority of the votes of the members present and voting, the County Board shall consider the next top-ranked candidate and continue until a candidate receives a two-thirds majority of the members present and voting.

(3) If no candidate receives the two-thirds majority of the members present and voting, the County Board shall consider the candidate(s) receiving the most votes first omitting the candidate with the least number of votes. Further ballots will be taken with the candidate receiving the least number of votes omitted from the following ballot until a candidate receives a two-thirds majority of the votes of members present and voting.

(4) Upon completion of the balloting, the County Board shall review the County Administrator contract and make recommendations to the County Board Chairperson. The County Board shall then authorize the Chairperson of the County Board and the Screening Committee to enter into contract negotiations with the County Administrator candidate finalist.

(L) *Contract negotiations.* Upon recommendations and authorization by the County Board, the County Board Chairperson, State's Attorney or designate, and the voting members of the Search and Screening Committee shall enter into contract negotiations with the County Administrator finalist candidate. After successful completion of contract negotiations and after recommendations from the Committee and State's Attorney, the County Board shall consider and authorize the County Administrator contract.

(M) *Confidentiality.* With advice and consent from the State's Attorney, the Committee shall determine, at the outset, the extent to which the recruitment, interview, selection, and contract negotiation process will be confidential. The Committee shall maintain appropriate confidentiality throughout the process. The Committee shall take steps to be considerate of the candidate's current job security and long-term career opportunities. Applicants should be informed that the county will want to contact their present employers to conduct employment history checks and access the job they have done in their current position. An employment history background and reference check, criminal background and credit history check with written authorization from the candidate will also be conducted by the county. These background checks will be discreet and will not be conducted until it is clear that the candidate(s) are going to be considered a finalist for the position. The disclosure of the finalists names will be with consent of the finalists and will be coordinated between the finalists and the Committee.

(N) *Status reports.* The Chairperson of the Committee shall report to the full County Board at the regular monthly full County Board meeting the status of the County Administrator search and screening process. The status report shall include total number of applicants received, number of applicants selected, number of finalists, and a current timeline for interviews and the selection process. The Committee shall refrain from disclosing the names of the candidates until the appropriate time as described in division (I) above.

(Prior Code, 1 TCC 3-4) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.05 VACANCIES.

The position of County Administrator shall be deemed vacant if the County Administrator is, by death, illness, or other casualty, unable to continue in office, or resigns or is removed from office. A vacancy in the office shall be filled in the same manner as the original appointment. The Board may appoint an Acting County Administrator in case of a vacancy or temporary absence or disability until a successor has been appointed and qualified or the County Administrator returns to office.

(Prior Code, 1 TCC 3-5) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.06 REMOVAL.

(A) The County Administrator shall serve at the pleasure of the Board and may be removed at any time by an affirmative vote of a two-thirds majority of the members of the Board. The County Administrator may request in writing a reconsideration of his or her removal. Any such request must be made in writing and directed to the Chairperson of the County Board and must be received no later than ten days after the removal vote. Within 31 days after the request has been received, the full Board will meet to hear the appeal. The removal may be rescinded by a two-thirds majority vote.

(B) During any lapse of this contract, the County Administrator may be removed by a majority vote of the Board with no right of appeal.

(Prior Code, 1 TCC 3-6) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.07 QUALIFICATIONS.

(A) The County Administrator shall be a person having demonstrated professional, administrative and executive ability as shown by at least ten years of experience in:

(1) Municipal or county government or non-governmental (NGO) sector employment in responsible position(s) requiring the planning and execution of administrative operations, budgeting and control of revenue and expenditures, and coordination and leadership of diverse departments and functions, the service to elected and/or appointed boards, commissions, councils or their equivalent;

(2) Providing staff support to municipal or county government, its standing committees, municipal or county chairperson/president or equivalent, and elected control officers, board of directors, or their equivalent;

(3) Planning and executing an annual operating, capital projects, and personnel budget;

(4) Administration of or overseeing employee insurance programs, pay plans, and evaluation and assessment systems;

(5) Participation in or acting as a board/commission/council (or equivalent) representative in the collective bargaining process with FOP, AFSCME, or Teamsters Unions or equivalent; and

(6) Demonstrating excellent oral and written communications skills, human relations and consensus building strengths, and labor relations skills and abilities.

(B) The County Administrator preferably will possess a Master's Degree in Public Administration or will have an equivalent combination of education and experience, and should have an excellent working knowledge of Microsoft Operating Systems, Microsoft Excel, and other software programs and computer networking systems.

(Prior Code, 1 TCC 3-7) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.08 COMPENSATION.

(A) The compensation of the County Administrator shall be fixed by the Board.

(B) An annual performance review shall be made by the Committee and the Board Chairperson.

(Prior Code, 1 TCC 3-8) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.09 AUTHORITY.

The County Administrator shall act as the liaison to all departments and functions under the jurisdiction of the Board, and to all departments exempt from the direct authority of the County Board.

(Prior Code, 1 TCC 3-9) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

§ 30.10 POWERS AND DUTIES.

Within the limits of the authority prescribed in §30.09, unless otherwise stated below, the County Administrator shall have the following powers and duties.

(A) *Budget.* The County Administrator shall establish the schedule and procedures to be followed by all county departments, offices, and agencies in connection with the preparation, review, adoption, implementation, and amendment of the annual budget. The County Administrator shall supervise and administer all phases of the budgetary process. The County Administrator shall review departmental and agency budget requests.

(B) *Personnel.* The County Administrator and County Board Chairperson shall jointly select, employ, supervise, suspend, discharge, or remove all personnel, positions, or employment under the jurisdiction of the Board (including the Zoning Administrator and staff, County Board office, Animal Control Director and staff, Building and Grounds Supervisor and staff), except persons appointed by the Board as required by the laws of the state. The County Administrator shall, with input of all department heads and, subject to approval of all elected officials regarding their employees, maintain a plan for classifying, compensating, and evaluating all positions in county service and recommend its approval by the appropriate County Board committee. The County Administrator shall be responsible for all other aspects of personnel management of County Board employees, labor relations training, and development.

(C) *Contracts and agreements.* The County Administrator will work with the County Auditor and shall ensure that all terms and conditions of leases, contracts, and other agreements are performed and shall notify the Board of any violations thereof.

(D) *Property.* The County Administrator will work with the County Auditor, along with the Building and Grounds Superintendent, shall be responsible for the care and custody of all county property pursuant to 55 ILCS 5/5-1015, except the Courthouse and Jail, which shall be in the care and custody of the Sheriff pursuant to 55 ILCS 5/3-6017.

(E) *Communications and information systems.* The County Administrator shall evaluate systems of communication and information processing including, but not limited to, data processing, telephone, micrographics and reproduction, word processing, and mail services to develop uniformity between all county officials.

(F) *Support of the Board.* The County Administrator shall distribute the agenda and the minutes of all meetings of the full Board. The County Administrator shall review, and may comment on, any documents or reports which are submitted to the full Board. The County Administrator shall attend all meetings of the full Board and committee meetings as necessary. He or she may participate in the discussion of any matter before the full Board. The County Administrator shall provide the full Board, or individual members thereof, upon request, with data or information concerning the county and provide advice and recommendations on county government operations to the full Board.

(G) *Administration.* The County Administrator shall administer and carry out the directives and policies of the Board, and enforce all orders, resolutions, ordinances, and regulations of the Board to assure that they are faithfully executed. The County Administrator shall report to the Board on action taken pursuant to any directive or policy within the time set by the Board. The County Administrator shall advise the Board on matters of policy and may make recommendations to the Board on any matter before the Board.

(H) *Procedures.* The County Administrator shall recommend improved or standardized forms and procedures. The County Administrator shall provide other central administrative services as may be directed by the Board.

(I) *Intergovernmental relations.* The County Administrator, instead of or along with the Chairperson, shall represent the Board in its relations with other governments, as directed by the Board or Chairperson. The County Administrator may comment upon or make recommendations to the Board concerning proposed or accomplished actions of other governments, including legislation and regulations of the state and federal governments.

(J) *Records.* The County Administrator shall maintain records appropriate to or required by the powers and duties of the position.

(K) *Reports.* The County Administrator shall, from time to time, be required to prepare reports on the state of the county and its government operations and work accomplished, and make any recommendations as to actions or programs the County Administrator deems necessary for the efficient operation of the county and the welfare of its residents. The County Administrator shall review the yearly audits of all fee funds and report to the County Board.

(L) *Staff.* With the agreement of the full County Board, the County Administrator may employ staff to assist in the performance of these powers and duties. Authorization of the Board is also required for funding.

(M) *Other.* The County Administrator shall perform such other duties as may be required by the Board.

(Prior Code, 1 TCC 3-10) (Ord. passed 11-18-1998; Res. 34, passed 11-29-2006; Ord. E-14-76, passed 6-25-2014; Ord. E-16-73, passed 8-31-2016)

CHAPTER 31: COUNTY POLICIES

Section

Purchasing Policy

- 31.01 Purchase of goods and services
- 31.02 Competitive bidding
- 31.03 Inter-agency joint purchasing

- 31.04 Purchase of professional services under qualifications-based selection
- 31.05 Purchases exempt from competitive bidding and qualifications-based selection
- 31.06 Small purchase procurement

Employee Personnel Policies Handbook

- 31.20 Adopted by reference

Collective Bargaining Agreements

- 31.35 Adopted by reference

PURCHASING POLICY

§ 31.01 PURCHASE OF GOODS AND SERVICES.

No purchase of goods or service shall be made unless sufficient funds have been appropriated by the County Board.

(Prior Code, 1 TCC 2-1)

§ 31.02 COMPETITIVE BIDDING.

(A) *Condition for use.* All purchases for goods and services, in an amount of \$30,000 or an amount set by state statute, except as otherwise provided herein, must utilize competitive bidding as required by 55 ILCS 5/5-1022.

(B) *Invitation for bids.* An invitation for bids shall be issued and shall include specifications, bid evaluation requirements, and all applicable contractual terms and conditions in a form as reviewed and approved by the State's Attorney's Office and the County Auditor. Bid specifications shall be recommended to the parent committee by the requesting department head and shall describe clearly the goods and services to be contracted, but shall not be drawn so narrowly as to preclude or diminish competition. A copy of invitations shall be sent to the Auditor.

(C) *Public notice.* Public notice of the invitation for bids shall be made. Such notice shall include publication in a newspaper of general circulation within the county not less than ten calendar days prior to the date set forth therein for the opening of bids.

(D) *Bid opening.* Sealed bids must be written and shall be opened publicly in the presence of at least three of the following county officials: requesting department head; assistant department head; County Administrator; Assistant State's Attorney; Auditor; and chairperson or member of parent committee, when applicable. Sealed bids shall be opened and read at the time and place designated in the invitation for bids. At a minimum, the amount of each bid, and the extent to which each bid conforms to the evaluation criteria, together with the name of each bidder shall be recorded in the form of a bid summary. The summary and each bid shall be open to the public inspection.

(E) *Late bids.* No bids received after the specified time in the bid information will be considered. It is the bidder's responsibility to see that the bid is delivered at the time and place specified.

(F) *Bid evaluation.* Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine bid acceptability such as prior related work experience, workmanship, suitability of the item bid for the purpose intended, discounts, transportation costs, and the total or life cycle costs. No criteria may be used in bid evaluation that are set forth in the invitation for bids.

(G) *Correction or withdrawal of bids.* Correction or withdrawal of inadvertently erroneous bids before or after bid opening may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or electronically transmitted notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the county or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

- (1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident;
- or
- (2) The bidder submits evidence which clearly demonstrates that a mistake was made.

(H) *Bid award.* The bid evaluation summary will be submitted to the requesting department's parent committee, who will review the analysis and forward its recommendation for award to the full County Board for consideration. The County Board and/or the Internal Control Officer who initiated the bidding process reserves the right to accept or reject any and all bids, or waive any informalities in bidding. After receipt of bids and completion of the review process, the county and/or the Internal Control Officer who initiated the bidding process may award a contract to the lowest responsive and responsible bidder that in its judgment will provide a combination of the best services and the lowest cost for the privileges and rights to be granted pursuant to the terms of the contract to be entered into between the county and/or the Internal Control Officer who initiated the bidding process and the successful bidder.

(Prior Code, 1 TCC 2-2)

§ 31.03 INTER-AGENCY JOINT PURCHASING.

Subject to applicable state statutes, the county may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the purchase of goods, services, or construction with one or more public entities in accordance with an agreement entered into between or among the parties. Such cooperative purchasing may include joint or multi-party contracts between public units and open-ended state purchasing contracts, which are made available to other public units.

(Prior Code, 1 TCC 2-3)

§ 31.04 PURCHASE OF PROFESSIONAL SERVICES UNDER QUALIFICATIONS-BASED SELECTION.

(A) *Conditions for use.* Whenever professional services are required and the county does not have an existing satisfactory relationship for services of the requisite type, or except in the case of an emergency, purchases of professional services of \$25,000 or more shall be made in accordance with qualifications-based selection requirements as found the state's Local Government Professional Services Selection Act, being 50 ILCS 510/0.01 et seq. Types of professional services subject to these requirements include: engineers; architects; and land surveyors.

(B) *Invitation to submit qualifications.* A statement of interest and a request for qualifications shall be issued and shall include a description of the scope of services to be rendered as approved by the requesting department head, evaluation requirements, and all applicable contractual terms and conditions in a form as reviewed and approved by the State's Attorney's Office and the County Auditor.

(C) *Notice.* Whenever professional services are required and the county does not have an existing satisfactory relationship for services of the requisite type, an advertisement shall be placed in a secular daily newspaper of general circulation in the county. The advertisement shall request a statement of interest in the specific project and statements of qualifications from any firms that have not yet filed statements of qualifications with the county government. The advertisement shall state a specific day, hour, and place the statements are due. A copy of the notice shall be sent to the Auditor.

(D) *RFQ review.* Statements of qualifications must be in writing and shall be reviewed by at least three of the following county officials: requesting department head; assistant department head; County Administrator; Auditor; Assistant State's Attorney; and chairperson or member parent committee, when applicable. At a minimum, the submitter's qualifications and the extent to which each statement of qualifications conforms to the evaluation criteria, together with the name of each submitter, shall be recorded in summary form. The summary and each statement of qualifications shall be open to public inspection.

(E) *Evaluation of qualifications.* Evaluations shall be based on the requirements set forth in the RFQ, which may include criteria to determine acceptability, such as their perceived competence and expertise relative to the project, the cost of their services, their ability to complete work within a required time frame, their past record in performing similar work, and their ability to work with county staff and elected officials.

(F) *Consultant selection.* The evaluation summary will be submitted to the requesting department's parent committee, who will review the analysis and select one or more submitters for interview. Following the interview(s) the parent committee shall forward its recommendation of selection to the full County Board for consideration. The County Board and/or the Internal Control Officer who initiated the bidding process may then direct contract negotiations take place with its first choice consultant. Should these negotiations fail. The Board, if applicable, may then direct contract negotiations take place with its next choice consultant.

(G) *Contract award.* Once contract negotiations have been successful, the parent committee shall submit for ratification of the contract to the County Board, and/or the Internal Control Officer who initiated the bidding process may ratify the contract.

(Prior Code, 1 TCC 2-4)

§ 31.05 PURCHASES EXEMPT FROM COMPETITIVE BIDDING AND QUALIFICATIONS-BASED SELECTION.

The procedures below shall be adhered to for the following purchases.

(A) Purchases of the following types may be made only upon approval by the County Board, or the applicable Internal Control Officer, and direction to the Auditor to issue a purchase order, provided that sufficient monies have been appropriated by the County Board:

(1) Purchases of more than \$30,000 involving data processing equipment, software or services, and telecommunications and inter-connect equipment, software, or services; and

(2) Purchases of professional services of more than \$30,000 and not covered by qualifications-based selection requirements.

(B) Purchases of the following types of more than \$30,000 may be made only upon County Board approval and direction to the Auditor to issue a purchase order, provided that sufficient monies have been appropriated by the County Board. Internal Control Officers may approve these types of purchases if sufficient monies have been appropriated:

(1) Contracts with the federal government;

- (2) Purchases of used equipment;
- (3) Purchases at auction; and
- (4) Transactions which by their nature are not suitable to competitive bids.

(Prior Code, 1 TCC 2-5)

§ 31.06 SMALL PURCHASE PROCUREMENT.

The following procedures shall be adhered to for all purchases less than \$30,000.

(A) All purchases for goods and services, including professional services, in an amount of \$10,000 or more, but less than \$30,000, shall require the department head to submit three written quotations to the appropriate standing committee, who shall then forward its recommendation for purchase authorization to the County Board for action. Internal Control Officers will submit three informal written quotations directly to the Auditor to have a purchase order issued, provided that sufficient monies have been appropriated by the County Board.

(B) All purchases for goods and services, including professional services, in an amount of \$5,000 or more, but less than \$10,000, shall require the department head to submit three informal, written quotations to the Board Chairperson, or in his or her absence the County Administrator for his or her approval. The Auditor may issue a purchase order upon request of the Board Chairperson, or in his or her absence the County Administrator, provided that sufficient monies have been appropriated by the County Board. Internal Control Officers will submit three informal written quotations directly to the Auditor to have a purchase order issued.

(C) All purchases for goods and services, including professional services, in an amount in excess of \$3,500 but less than \$5,000 shall require the department head to submit two informal, written quotations to the Board Chairperson, or in his or her absence, the County Administrator for his or her approval. The Auditor may issue a purchase order upon the request of the Board Chairperson, or in his or her absence, the County Administrator provided that sufficient monies have been appropriated. Internal Control Officers will submit two informal written quotations directly to the Auditor to have a purchase order issued.

(D) All purchases for goods and services, including professional services, in the amount of \$3,500 or less shall be on the authorization of the department head or designee provided that sufficient monies have been appropriated and a purchase order has been issued by the Auditor, or in the case of the Highway Department, by the County Engineer or designee. Two informal, written quotations shall be submitted for amounts over \$1,000. Department heads shall provide to the Auditor a list of all employees designated to authorize purchases within their respective departments.

(E) Exceptions to comparative quotations are granted when at least one of the following conditions exist:

- (1) There is only one source for the required supply, service, or construction item;
- (2) The required item is a dealer item, which may be purchased from multiple dealers, but at a fixed cost from dealer to dealer;
- (3) It is a purchase of used equipment; or
- (4) It is an emergency purchase.

(Prior Code, 1 TCC 2-6)

EMPLOYEE PERSONNEL POLICIES HANDBOOK

§ 31.20 ADOPTED BY REFERENCE.

The Employees Personnel Policies Handbook, adopted March 26, 2014, as amended, is hereby adopted by reference and incorporated as fully as if set out at length in this code of ordinances.

COLLECTIVE BARGAINING AGREEMENTS

§ 31.35 ADOPTED BY REFERENCE.

All collective bargaining agreements, as amended, are hereby adopted by reference and incorporated as fully as if set out at length in this code of ordinances.

CHAPTER 32: ORGANIZATIONS

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Emergency Services and Disaster Agency

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32.002 Coordinator

32.003 Rules

Persons with Developmental Disabilities Board

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EMERGENCY SERVICES AND DISASTER AGENCY

§ 32.001 ESTABLISHMENT.

There is hereby created the County Emergency Services and Disaster Agency pursuant to 20 ILCS 3305/1 et seq., the State Emergency Management Agency Act (formerly Ill. Rev. Stat., Ch. 127, § 1101 et seq., the State Emergency Services and Disaster Agency Act of 1975).

(Prior Code, 2 TCC 1-1)

§ 32.002 COORDINATOR.

As stated in 20 ILCS 3305/10(I), the County Emergency Services and Disaster Agency Coordinator shall be appointed by the County Board Chairperson with the consent of the County Board, and the Coordinator shall have direct responsibility for the organization, administration, training, and operation of the Emergency Services and Disaster Agency, subject to the direction and control of the County Board Chairperson.

(Prior Code, 2 TCC 1-2)

§ 32.003 RULES.

The County Emergency Services and Disaster Agency is governed by 20 ILCS 3305/1 et seq. and any rules and regulations promulgated by the Governor under authority of that statute.

(Prior Code, 2 TCC 1-3)

PERSONS WITH DEVELOPMENTAL DISABILITIES BOARD

§ 32.015 ESTABLISHMENT.

There is hereby created the County Persons with Developmental Disabilities Board pursuant to 55 ILCS 105/0.01 et seq., the County Care for Persons with Developmental Disabilities Act (formerly Ill. Rev. Stat. Ch. 911/2, par. 201 et seq.).

(Prior Code, 2 TCC 5-1)

§ 32.016 APPOINTMENT OF MEMBERS.

As stated in 55 ILCS 105/3, the County Persons with Developmental Disabilities Board shall be appointed by the County Board Chairperson with the consent of the County Board.

(Prior Code, 2 TCC 5-2)

§ 32.017 MEETINGS, REPRESENTATIVES, AND RULES.

Pursuant to 55 ILCS 105/4, the Persons with Developmental Disabilities Board shall meet in July, annually, and elect one of its number as president and one as secretary, and shall elect such other officers as it deems necessary. It shall adopt such rules for the administration of this Act as may be proper and expedient. (As of October 29, 2002, rules of procedure for conducting the Persons with Developmental Disabilities Board meetings had not been formally adopted.)

(Prior Code, 2 TCC 5-3)

ETHICS COMMISSION

§ 32.030 ADOPTION OF STATE GIFT BAN ACT.

(A) The State Gift Ban Act (5 ILCS 430/10-10 et seq.) is hereby adopted as required by § 83 of the Act (5 ILCS 430/70-5).

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

(Prior Code, 2 TCC 6-1)

§ 32.031 ETHICS OFFICER.

To the extent authorized by law and to the extent required by § 35 of the Act (5 ILCS 430/70-20), the Board Chairperson is authorized to appoint an Ethics Officer of the county. The Ethics Officer's duties shall be as provided in § 35.

(Prior Code, 2 TCC 6-2)

§ 32.032 LOCAL ETHICS COMMISSION; COMPLAINTS.

(A) To the extent authorized by law and to the extent required by the Act, the County Board Chairperson shall appoint five persons to the Local Ethics Commission with the advice and consent of the County Board.

(B) The Local Ethics Commission shall have the power and duties set forth in 5 ILCS 430.

(C) To the extent that any of its provisions may be applicable, § 45 of the Act shall be applicable to the Local Ethics Commission.

(D) The complaint procedure and the enforcement and penalty provisions of the Act and this subchapter shall be as are provided in 5 ILCS 430/50-5 et seq.

(Prior Code, 2 TCC 6-3)

§ 32.033 FUTURE AMENDMENTS TO STATE GIFT BAN ACT.

(A) Any amendment to the State Gift Ban Act (5 ILCS 430/10-10 et seq.) that becomes effective after the passage of this subchapter shall be incorporated into this subchapter by reference and shall be applicable to the solicitation and acceptance of gifts.

(B) However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this subchapter by reference without formal action by the County Board.

(Prior Code, 2 TCC 6-4)

§ 32.034 SEVERABILITY.

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

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

(Prior Code, 2 TCC 6-5)

EMERGENCY TELEPHONE SYSTEM BOARD

§ 32.045 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning. Other terms in this subchapter shall have the meanings as provided in the Emergency Telephone System Act, 50 ILCS 750, as amended.

9-1-1 BOARD. Emergency Telephone System Board authorized by the Emergency Telephone System Act, 50 ILCS 750, as amended.

(Prior Code, 2 TCC 7-1) (Res. E-19-48, passed 2-27-2019)

§ 32.046 MEMBERSHIP.

(A) *Appointment.* The County Board Chairperson shall appoint members of the 9-1-1 Board with the advice and consent of the County Board. The County Board Chairperson shall receive from the Sheriff the name of a candidate for appointment, as the Sheriff's designee under division (B)(1), if the Sheriff chooses a designee to serve in the Sheriff's place as a member. The County Board Chairperson shall receive names of candidates from the governing authority of any municipality for the appointment of members representing a municipality as provided under divisions (B)(9) through (B)(12).

(B) *Composition of members.*

- (1) Sheriff of Tazewell County or Sheriff's designee;
- (2) County Board member or designee;
- (3) One person representing public safety dispatch;
- (4) One person representing fire services;
- (5) One person representing emergency medical services;
- (6) One person representing emergency management;
- (7) Two persons who represent the public at large;
- (8) One person representing police services;
- (9) One person representing the City of Washington, Illinois;
- (10) One person representing the City of East Peoria, Illinois;
- (11) One person representing the City of Pekin, Illinois; and
- (12) One person representing the Village of Morton, Illinois.

(C) *Qualifications of members.*

- (1) All members must be appointed on the basis of their ability or experience.
- (2) A designee of the Sheriff shall serve in the place of the Sheriff only upon notification by official correspondence from the Sheriff to the Secretary of the 9-1-1 Board.
- (3) The fire representative must be, at the time of appointment by the County Board and at all times during term as a member, a member working in service to and in good standing of a fire service provider serving part of the county.
- (4) The emergency medical services representative must be, at the time of appointment by the County Board and at all times during term as a member, a member working in service to and in good standing of an EMS emergency service provider serving part of the county.
- (5) The emergency management representative must be, at the time of appointment by the County Board and at all times during term as a member, a member working in service to and in good standing of an emergency management organization operating within the county.
- (6) The public safety dispatch representative must be, at the time of appointment by the County Board and at all times during term as a member, a member working in service to and in good standing of an organization operating a public safety dispatch organization and PSAP in the county.
- (7) The police representative must be, at the time of appointment by the County Board and at all times during term as a member, a member working in service to and in good standing of a police agency serving part of the county. The police

representative must be from an agency and political subdivision not otherwise granted a membership position on the 9-1-1 Board under division (B).

(8) At least one public representative must be a resident of the Tazewell County 9-1-1 service area.

(9) Representatives of East Peoria, Pekin, Morton, and Washington must be nominated by official action of the respective corporate governing body. In the event that the Chairman of the County Board refuses a nominee or the County Board refuses to approve a nominee, the Chairman of the County Board shall cause immediate notification of such refusal to the affected municipality and shall request the municipality submit a new nominee.

(10) If, at any point during a term as a member, any member appointed under division (C)(3), (4), (5), (5) or (7) discontinues service in the capacity named in the item which was the basis for the member's appointment, the member shall be deemed unqualified and his or her term deemed vacant.

(D) *Number of members.* There shall be a maximum of 13 members appointed to the 9-1-1 Board.

(E) *Term of office for members.*

(1) The police representative shall serve until November 30, 2019, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(2) The County Board representative shall serve until November 30, 2020, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(3) The public safety dispatch representative shall serve until November 30, 2021, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(4) The fire representative shall serve until November 30, 2022, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(5) The EMS representative shall serve until November 30, 2022, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(6) The first public representative shall serve until November 30, 2021, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(7) The second public representative shall serve until November 30, 2020, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(8) The East Peoria representative shall serve until November 30, 2022, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(9) The Pekin representative shall serve until November 30, 2019, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(10) The Washington representative shall serve until November 30, 2021, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(11) The Morton representative shall serve until November 30, 2019, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(12) The emergency management representative shall serve until November 30, 2020, and thereafter subsequent four-year terms commencing on December 1 and ending on November 30.

(F) *Appointment and replacement of members.*

(1) Each County Board resolution naming an ETSB member must state the representative position outlined in division (B) to which the member is being appointed.

(2) The County Board may, by a vote of the majority of the members present at an official meeting of the County Board, remove a 9-1-1 Board member for misconduct, official misconduct, or neglect of office.

(3) If a member serving in a representative position for a municipality is removed, the County Board Chairperson shall immediately notify the appropriate governing body of the municipality of a vacancy and thereafter request from that municipality the name of a new candidate to fill the remainder of the removed member's term.

(4) If the Sheriff is removed, the Sheriff may not serve on the 9-1-1 Board until the expiration of the four-year term the Sheriff was serving at the time the Sheriff was removed. If a Sheriff's designee is removed, the Sheriff may not designate the person removed to again serve on the 9-1-1 Board until the expiration of the four year term to which the Sheriff was serving at the time the Sheriff's designee was removed.

(5) Whenever a vacancy occurs on the 9-1-1 Board, the County Board Chairperson shall, within 90 days of the vacancy, submit a name to the County Board for consideration and appointment to fill the vacancy.

(6) A term that becomes vacant or remains vacant after its initiation shall be filled such that the new appointment shall be for the remainder of the term for that constituency as of the date of ratification by the County Board.

(7) Concurrent with the adoption of this section, a County Board resolution shall name each existing 9-1-1 Board

member to one of the member positions outlined in division (B) that best matches the member's position prior to the adoption of this section.

(Prior Code, 2 TCC 7-2) (Res. E-19-48, passed 2-27-2019; Res. E-19-71, passed 4-24-2019; Res. E-22-18, passed 2-23-2022)

§ 32.047 POWERS AND DUTIES.

The members of the 9-1-1 Board shall exercise those powers and perform those duties as provided in the Emergency Telephone System Act, 50 ILCS 750, as amended.

(Prior Code, 2 TCC 7-3) (Res. E-19-48, passed 2-27-2019)

§ 32.048 COMPENSATION.

The members of the 9-1-1 Board shall serve without compensation but shall be compensated for their actual and necessary expenses consistent with applicable federal and state laws and applicable county ordinances and personnel policies.

(50 ILCS 750/15.4) (Prior Code, 2 TCC 7-4) (Res. E-19-48, passed 2-27-2019)

§ 32.049 FUNDING.

Funding shall be provided from the surcharge authorized by 50 ILCS 750/15.3 and any other authorized monies received by the Emergency Telephone System Board.

(Prior Code, 2 TCC 7-5) (Res. E-19-48, passed 2-27-2019)

§ 32.050 EFFECTIVE DATE.

This subchapter was originally effective November 16, 1988, and the modifications made herein shall take effect immediately upon ratification by the County Board.

(Prior Code, 2 TCC 7-6) (Res. E-19-48, passed 2-27-2019)

BOARD OF HEALTH

§ 32.065 RULES ESTABLISHED.

The following are the rules of the County Board of Health promulgated by the County Board of Health as authorized by law. These rules were drafted without the direct involvement of the County Board and can be changed by the County Board of Health without further County Board action, but are included in this code for ease of reference.

(Prior Code, 2 TCC 2-1)

§ 32.066 AUTHORITY.

This Board of Health was appointed and operates under the provisions of Division 5-25, County and Multi-County Health Department, of the County Code, 55 ILCS 5/5-25001 through 5/25025.

(Prior Code, 2 TCC 2-1)

§ 32.067 MEMBERS.

Appointments to the Board of Health are made by the County Board Chairperson with consent of County Board members. The Board of Health may make recommendations to the County Board Chairperson for the appointments.

(Prior Code, 2 TCC 2-1)

§ 32.068 OFFICERS.

(A) The officers of the Board of Health shall be a president, vice president, a secretary, and a treasurer, and shall be elected annually by the Board of Health. The Treasurer shall be elected annually either from members of the Board of Health or otherwise (i.e., County Treasurer).

(B) The duties of the officers of the Board of Health shall be those that are customary for such officers. (See *Robert's Rules of Order*, newly revised), and any other duties as shall be set forth in this subchapter.

(C) Officers shall be elected for a one-year term for the ensuing year at a Board of Health meeting that shall be held prior to the end of the fiscal year (November 30).

(Prior Code, 2 TCC 2-1)

§ 32.069 MEETINGS.

The Board of Health:

(A) Shall hold meetings monthly; and

(B) May hold special meetings upon written request signed by two members of the Board of Health and filed with the Secretary, or on request of the Medical Health Officer or the Public Health Administrator.

(Prior Code, 2 TCC 2-1)

§ 32.070 VOTING.

All questions before the Board of Health shall be decided by a majority vote of all members present, however, no meeting shall be accounted as official unless a quorum of members are present. A quorum shall be a majority of the members.

(Prior Code, 2 TCC 2-1)

§ 32.071 CONFLICT OF INTEREST.

(A) Board of Health members have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Board of Health for Tazewell County Health Department (TCHD) wishes the business to operate. The purpose of these guidelines is to provide general direction so that Board of Health members can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Board of Health President for more information or questions about conflict of interest.

(B) An actual or potential conflict of interest occurs when the Board of Health member is in a position to influence a decision that may result in a personal gain for that member or for a relative as a result of TCHD's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the Board of Health is similar to that of persons who are related by blood or marriage.

(C) No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if a Board of Health member has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to an officer of the Board of Health or to the full Board as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

(D) Personal gain may result not only in cases where a Board of Health member or relative has a significant ownership in a firm with which TCHD does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealing(s) involving TCHD.

(Prior Code, 2 TCC 2-1)

§ 32.072 DUTIES.

The Board of Health:

(A) Shall develop and record in the bylaws, or in an amendment to the existing bylaws, policies establishing the scope of the Health Department programs;

(B) May request the County Board to pass an ordinance permitting the charging and collection of such fees as may be necessary to finance selected services;

(C) Shall provide for, or request, adequate financing for the Health Department programs, and shall adopt fiscal policies which shall be kept in writing;

(D) May enter into contracts with official or non-official agencies, or individuals, for the purchase, sale, or exchange of health services;

(E) Shall, whether offering one or more services, employ a staff adequately qualified to carry out the Department program and shall adopt personnel policies which shall be kept in writing and made available to employees;

(F) Shall, if the Health Department provides services sufficiently extensive, appoint a medical health officer as executive officer of the Department, or shall appoint a public health administrator as the executive officer for the Department; provided, that the Board of Health shall make available medical supervision that is considered adequate by the Director of the state's Department of Public Health. The executive officer shall possess qualifications prescribed by the state's Department of Public Health in the Local Health Department Certification Code (77 Ill. Adm. Code 600);

(G) Shall, according to the requirements of the County Code and within the professional and technical competence of its staff and the number of staff employed, and, with the staff of the Health Department acting as its agent, enforce all state laws pertaining to the preservation of health, and all county and municipal ordinances except as otherwise provided in the County Code; also, shall enforce all rules and regulations promulgated by the state's Department of Public Health, by the County Board, or by the governing bodies of cities and villages in the county, except as otherwise provided in the County Code; and

(H) Shall, according to the requirements of the County Code, recommend, when deemed necessary, to the County Board the enactment of such ordinances and rules and regulations as may be necessary or desirable for the protection of health and control of disease in the jurisdiction.

(Prior Code, 2 TCC 2-1)

§ 32.073 FISCAL YEAR.

The fiscal year of the Board of Health shall be December 1 through November 30.

(Prior Code, 2 TCC 2-1)

§ 32.074 BUDGETS AND DISBURSEMENTS.

The Board of Health:

(A) Shall, at the appropriate time prior to the end of the fiscal year, meet and establish, and submit the budget to the County Board, preferably after preliminary conference with the Public Health and Finance Committees of the County Board;

(B) Shall review at each meeting the fiscal status of the Health Department and shall act on the payroll and all other bills paid since the last meeting. The vote on these bills, if not unanimous, shall be by roll call and recorded as such; and

(C) Shall review salary ranges and increments for staff members as outlined in the personnel policies.

(Prior Code, 2 TCC 2-1)

§ 32.075 ACCOUNTS.

The Board of Health:

(A) Shall keep a record in the Health Department headquarters of all receipts and disbursements. This record shall be compared at least annually with the records of the County Treasurer; and

(B) Shall cause an annual audit to be made of the Health Department accounts. The County Treasurer's annual audit of all accounts, which includes the Health Department, may be accepted as the Board of Health's official audit, or an additional audit by a competent auditor may be obtained.

(Prior Code, 2 TCC 2-1)

§ 32.076 ANNUAL REPORT.

The Board of Health shall publish, within 90 days after the end of the fiscal year, an annual report explaining the Health Department activities and expenditures for the past year. This report shall be in pamphlet form and shall be for free distribution, which shall include distribution to members of the Board.

(Prior Code, 2 TCC 2-1)

§ 32.077 COMMITTEES.

The President of the Board of Health:

(A) Shall, from Board of Health members, appoint such committees as seem appropriate for the conduct of Board of Health business; and

(B) May appoint advisory committees from professional or community groups.

(Prior Code, 2 TCC 2-1)

§ 32.078 REIMBURSEMENT FOR EXPENSES.

The Board of Health:

(A) Shall serve without compensation; and

(B) May be reimbursed for actual, necessary expense incurred in the performance of its duties, such as attendance at meeting of the Board of Health, or at meetings of the state's Association of Boards of Health and the state's Public Health Association.

(Prior Code, 2 TCC 2-1)

§ 32.079 PROPERTY.

The Board of Health:

(A) Shall request the executive officer of the Health Department, or the designated administrator, to keep an accurate inventory of all property of the Health Department; and

(B) Shall cause property of the Health Department to be adequately protected by insurance.

(Prior Code, 2 TCC 2-1)

§ 32.080 AMENDMENTS.

The Board of Health may amend these bylaws by a vote of two-thirds of its members, provided that a written notice of the

proposed changes be sent to each member at least two weeks before the meeting at which the bylaws are to be amended.

(Prior Code, 2 TCC 2-1)

SHERIFF'S MERIT COMMISSION

§ 32.095 MEMBERSHIP.

The County Sheriff's Merit Commission shall consist of five members appointed by the Sheriff and approved by the County Board. Of the initial appointments, one shall serve for a term of two years, one for a term of four years, and one for a term of six years. Of the two additional members, one shall be initially appointed for a term of three years and the other for a term of five years. All successive members shall be appointed for six years. No more than three members may be affiliated with the same political party.

(Prior Code, 2 TCC 3-1)

§ 32.096 DUTIES.

The Merit Commission shall promulgate rules, regulations, and procedures for the operation of the merit system and administer the merit system. These rules, regulations, and procedures shall provide for the appointment, promotion, disciplining, and discharging of deputies and correctional officers in the office of Sheriff pursuant to recognized merit principles of public employment. Such deputies and correctional officers shall be compensated according to a standard pay plan approved by the County Board.

(Prior Code, 2 TCC 3-2)

§ 32.097 COMPENSATION.

The members of the Merit Commission shall be compensated on a per diem basis at the same rate as the members of the County Board and may be reimbursed for reasonable and necessary expenses.

(Prior Code, 2 TCC 3-3)

§ 32.098 PROMULGATION OF RULES.

The Sheriff's Merit Commission shall provide current copies of all promulgated rules and any amendments to the County Clerk for inclusion in the County Code.

(Prior Code, 2 TCC 3-4)

§ 32.099 RULES ESTABLISHED.

The following are the rules of the Sheriff's Merit Commission promulgated by the Sheriff's Merit Commission as authorized by law. These rules were drafted without the direct involvement of the County Board and can be changed by the Sheriff's Merit Commission without further County Board action, but are included in this code for ease of reference.

(Prior Code, 2 TCC 3-5)

§ 32.100 CREATION OF COMMISSION.

(A) The Merit Commission was created in 1969, pursuant to state law, by resolution of the County Board.

(B) Pursuant to its responsibility for the administration and operation of a merit system for all Deputy Sheriffs and correctional officers of the County Sheriff's Office, the Merit Commission adopts the following rules, regulations, and procedures.

(Prior Code, 2 TCC 3-5)

§ 32.101 EQUAL OPPORTUNITY EMPLOYER.

The Sheriff's Office Merit Commission of the county represents that it conforms to the following.

(A) It will not discriminate against any employee or applicant for employment because of race, creed, color, political affiliation or beliefs, sex, or national origin. It will take whatever action is necessary to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, national origin, sex, political affiliation, or beliefs. Such action shall include, but not be limited to, the following: recruitment or recruitment advertising; demotion; layoff or termination; rates of pay or other forms of compensation; and selection for training. It agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(B) It will, in all solicitations or advertisements for employees placed by or on behalf of the applicant or the employing agencies, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, national origin, sex, political affiliation, or beliefs.

(Prior Code, 2 TCC 3-5)

§ 32.102 ADMINISTRATIVE MATTERS.

The Commission shall maintain an office in Pekin, Illinois, where its staff assistants and clerks shall function and its files and records shall be maintained, said office space to be provided by the county.

(A) *Regular meetings.*

(1) A regular meeting of the Commission shall be held in Pekin, Illinois in each of the following months: January, April, July, and October, on the third Thursday of each said month at 1:00 p.m. Any changes or cancellation of regular meetings must be given ten-day notice to the Commission and the public. Commission meetings shall be conducted under *Robert's Rules of Order*.

(2) Public notice of all regular meetings shall be given pursuant to the applicable requirements of the Open Meetings Act, being 5 ILCS 110/1 et seq.

(B) *Special meetings.*

(1) Special meetings may be called when needed by the Chairperson or upon the call three members of the Commission. The Chairperson must notify each of the Commission members specifying the time and place of such meetings at least five days prior to the meeting.

(2) Public notice of special meetings shall be given pursuant to the applicable requirements of the Open Meetings Act, being 5 ILCS 110/1 et seq.

(C) *Voting.* On all matters, the concurrence of a majority of the Commission members in attendance shall be necessary to render a decision, and the action of such a majority shall be the action of the Commission.

(D) *Quorum.* At all meetings, three members of the Commission shall normally constitute a quorum and shall conduct the business of the Commission. However, when changes in the rules, regulations, and procedures of the Commission are to be considered, all five must be notified and in attendance or have an opportunity to let his or her views be known in writing.

(E) *Minutes and records.* The Commission shall:

(1) Maintain such personnel records and files as are necessary to execute its responsibilities. These records and files shall be confidential;

(2) Keep and maintain the minutes of all meetings and report the decision rendered to appropriate parties. Such minutes shall be maintained in accordance with the applicable sections of the Open Meetings Act, being 5 ILCS 110/1 et seq.;

(3) Carefully compile and maintain a transcript of all disciplinary proceedings; and

(4) Keep and maintain all other records and files necessary for the proper administration and operation of the Commission's business, including any information required for compliance with the requests of the County Board for reports of activity.

(F) *Officers of the Commission.*

(1) The officers of the Commission shall be:

(a) Chairperson;

(b) Vice Chairperson; and

(c) Confidential Secretary.

(2) The Chairperson shall preside at all meetings and shall perform all duties required of him or her by these rules, regulations, and procedures.

(3) The Vice Chairperson shall preside at meetings in the absence or disability of the Chairperson.

(4) The Secretary shall keep the minutes and records of the Commission. This office shall be filled by the person of the County Sheriff's Chief Clerk.

(5) All officers shall be elected by a simple majority vote of the Merit Commission. The term of office of said officers shall be two years or until the term of office as a member of the Commission shall expire, whichever period is shorter. Elections shall be held at the first meeting of the fiscal year.

(Prior Code, 2 TCC 3-5)

§ 32.103 CLASSIFICATION OF RANKS.

(A) *Ranks.*

(1) For the purpose of the administration and operation of the merit system of the County Sheriff's Office, the ranks shall be:

(a) *Law enforcement.*

1. Chief Deputy;
2. Captain;
3. Sergeant; and
4. Deputy.

(b) *Corrections.*

1. Jail Superintendent;
2. Corrections Sergeant; and
3. Correctional officer.

(2) Nothing in this section shall prohibit the Sheriff, from time to time as he or she deems necessary, from changing the rank structure of the Sheriff's Office.

(B) *Position and assignments.* The ranks of Captain, Sergeant, Corrections Sergeant, Deputy Sheriff, and corrections officer are considered positions rather than assignments. Persons meeting the requirements of the qualifications and appointment procedures stated elsewhere in these rules, regulations, and procedures can attain tenure in these positions.

(C) *Sheriff.* The Sheriff, if not appointed or elected from the ranks of the Sheriff's Office personnel, upon leaving the Office of Sheriff for any reason, except his or her removal for cause, may be appointed to any rank by the successor Sheriff.

(Prior Code, 2 TCC 3-5)

§ 32.104 APPOINTMENT TO DEPARTMENT.

(A) *Entry into merit system.* The ranks of corrections officer and Deputy Sheriff are the sole entry points into the Sheriff's Office merit system.

(B) *Appointment to the Department.* All applicants for appointment as Deputy and corrections officer to the Sheriff's Office, in addition to meeting the standards prescribed by the Sheriff's Merit System Law as found in 55 ILCS 5/3-8001 et seq., must:

- (1) (a) *Deputy Sheriff.* Be no younger than 21 years of age at the time the application is received by the Commission; and
- (b) *Corrections officer.* Be no younger than 19 years of age at the time the application is received by the Commission.
- (2) Be a high school graduate, or have certificate of equivalency comparable to the state's GED;
- (3) Be a resident of the state for one year from date of hire to establish residency in the county, and shall maintain such residency as a condition of request to partake in the testing procedures and receive dispensation from the Commission until the date of his or her discharge from the military;
- (4) Possess a valid Illinois driver's license prior to appointment and be qualified to obtain a FOID;
- (5) Meet such other mental, medical, physical, psychological, or other standards as prescribed by the Commission (medical examination to be paid for by the Commission);
- (6) A Deputy Sheriff/correctional officer must be able to successfully complete a written exam as required by the Commission;
- (7) Be acceptable to the Commission following an investigation of background, reputation, and character. Said examination to be conducted by the Sheriff's Office;
- (8) Be acceptable to the Commission following an oral interview;
- (9) Be adjudged as qualified by the commission and placed on a list of qualified applicants. A separate list shall be established for corrections officer and Deputy Sheriff;
- (10) Be appointed from the qualified list by the Sheriff when a vacancy or vacancies exist; and
- (11) Serve successfully a one-year probationary period during which time he or she is subjected to removal at the will of the Sheriff.

(C) *Certification.* Candidates who are found to be qualified by the Commission shall be placed on a certification list. This list shall remain in force until the next written examination is authorized and given by the Commission, or a period of two years has lapsed from the certification date, whichever is shorter.

(D) *Probation.* All persons appointed as certified employees shall serve an initial 12-month probation period, at which time the Deputy Sheriff/correctional officer will be granted tenure. An extension of the probationary period of not more than six months may be granted upon application of the probationary employee to the Sheriff and upon the Sheriff's affirmative recommendation to the Merit Commission prior to expiration of the original probationary period.

(E) *Appointment procedures.* The responsibilities of the Merit Commission include:

(1) Preparing and posting in the lobby of the first floor of the Sheriff's Office a list of all qualified candidates at the completion of the entry screening process in accordance with the foregoing; and

(2) Withdraw from the qualified list the name of any applicant who declines to accept an appointment.

(F) *Interim appointments.* When necessary, the Sheriff may make interim appointments to any merited position. Such appointments shall be temporary in nature and shall terminate upon the posting of a new list of qualified candidates, or may be terminated earlier at the discretion of the Sheriff. All personnel who receive temporary appointments must meet the immediately applicable qualifications prescribed in division (B) above. Under no circumstances shall this appointment last more than six months.

(Prior Code, 2 TCC 3-5)

§ 32.105 PROMOTION.

(A) *Certification.*

(1) All merited employees seeking promotion must have served at least one year in their current rank to be eligible to take a written examination for the next higher rank.

(2) At the time of notification of holding of examination for promotion, applicants must not be on leave of absence, except for military service.

(3) After meeting the above requirement, but prior to promotion, the Deputy/corrections officer must:

(a) File a formal application with the Commission;

(b) Take and pass any written or oral promotional examination offered by the Commission;

(c) Submit Sheriff's performance evaluations for the previous year, if applicable;

(d) Be adjudged to be qualified and placed upon a list of qualified applicants by the Commission; and

(e) Be selected from the qualified list and appointed to the appropriate position and rank by the Sheriff when a vacancy or vacancies occur.

(B) *Certification of tenure.* After successfully completing the above promotional procedure, applicants shall be certified as tenured at the appropriate position and rank by the Commission.

(C) *Lists of qualified.* List of qualified promotional candidates shall be prepared and prominently posted at the completion of each promotional screening by the Commission. The list may group the qualified persons alphabetically. Such lists shall remain in force for two years or until exhausted, whichever is shorter.

(Prior Code, 2 TCC 3-5)

§ 32.106 DISCIPLINE.

(A) *Disciplinary measures.* The Commission, after a hearing upon charges, shall make a finding of guilty or not guilty.

(1) If a finding of guilty is made, it may order any of the following disciplinary measures which, in the opinion of the Commission, the offense merits:

(a) Suspension without salary for a period not to exceed a total of 180 days in any 12- month period;

(b) Reduction in rank;

(c) A combination of divisions (A)(1)(a) and (A)(1)(b) above; or

(d) Discharge and removal from the Sheriff's Office.

(2) If the Commission makes a finding of not guilty, it shall require the Sheriff to:

(a) Restore the accused to duty forthwith at the rank and position from which he or she was suspended;

(b) Make provision to continue the accused seniority as if it had never been interrupted; and

(c) See that the officer is properly reimbursed for any loss of salary. The difference between any monies earned at other employment while under suspension and salary shall provide the basis for such reimbursement.

(B) *Disciplinary procedures.*

(1) *Complaints.* In all cases when the Sheriff seeks to file a written complaint for violations of the Sheriff's regulations, policies, procedures, or general orders with the Commission, it shall be submitted to the Secretary of the Commission, and shall set forth a plain and concise statement of the facts upon which the complaint.

(2) *Notification of hearing.* Upon receipt of a complaint from the Sheriff, the Commission will send a letter to the accused subordinate enclosing a copy of the complaint. The letter shall advise of the filing of the complaint and set forth the time and place of hearing on the charges contained in the complaint. Notice of such hearing shall be served on the accused not less than 14 days prior to hearing date. The letter shall be sent by registered or by certified mail, return receipt

requested, at the residence address of the subordinate shown on the face of the complaint. Delivery of the letter to his or her residence, as shown by the return receipt shall constitute service of the complaint on the accused. A copy of the letter shall be mailed to the Sheriff and shall constitute notice to him or her of time and place of hearing on the complaint.

(3) *Hearing on charges.* All hearings shall follow these procedures.

(a) All hearings shall be public.

(b) At the time and place of hearing, the Sheriff and the accused may be represented by counsel if they desire.

(c) All proceedings before the Commission during the hearing shall be recorded by a court reporter to be employed by the Commission.

(d) The record of hearings will not be transcribed by the court reporter unless requested by the Commission or by any party interested in the hearing. The cost of the transcript shall be borne by the person requesting it.

(e) All witnesses shall be sworn by the Chairperson or another member of the Commission prior to testifying.

(f) The Commission will hear the Sheriff's witnesses first. Thereafter, the accused may present witnesses whom he or she desires the Commission to hear. All parties shall have the right to examine and to recall witnesses.

(g) If the accused is found guilty of the charges, there shall be an opportunity for both sides to present evidence in mitigation or aggravation.

(4) *Decisions of charges.* After the Commission has made its finding and determined its order, it shall mail to the accused member by registered or by certified mail, return receipt requested, a notice of the finding and order of the Commission. A copy of the notice shall be mailed to the Sheriff.

(5) *Subpoena.* The Sheriff and the accused subordinate or their respective counsel may, at any time before the hearing, apply to the Commission for subpoena directed to specific persons requiring their appearance at the hearing, and if necessary, requiring them to produce at the hearing books, papers, records and such other things as may be relevant to the hearing. The application shall specify the names and addresses of the persons to be subpoenaed and the document and things which they are to be required to produce. Any request for continuance by reason of inability to serve subpoena shall be filed in the office of the Commission at least five days before the date set for the hearing.

(6) *Filing of papers.* All papers may be filed with the Commission by mailing them to the Merit Commission in c/o Sheriff, Office of the Sheriff, 11 S. Fourth St., Pekin, Illinois. All papers may also be filed by delivering the same to the Commission's office personally or by messenger. For the purpose of these rules, regulations, and procedures, the filing date of any paper shall be the date it was received in the Commission's office, in the event the paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope containing such paper.

(7) *Form of papers.*

(a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.

(b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.

(c) All papers shall be eight and one-half inches by 11 inches long and shall have inside margins of not less than one inch.

(d) The original of all papers filed shall be signed in ink by the party filing the paper or by his or her counsel.

(e) If the papers are filed by an attorney, his or her name and address shall appear thereon.

(8) *Continuance of hearing.* No hearing shall be continued at the request of the parties thereto or their counsel, unless request is made in writing at least five days before the date for which the hearing is scheduled.

(9) *Appeals of suspensions.* Any/all suspensions without pay imposed by the Sheriff shall be applicable to the Commission so long as the appeal is filed with the Commission within five days of the appellant having been notified in writing of the suspension. If a hearing is held, the procedures dealing with initial charges shall be followed by the Commission in hearing and said appeal, except that the burden is upon the appellant to prove by a preponderance of the evidence that the suspension imposed was quantitatively or qualitatively unjustified.

(Prior Code, 2 TCC 3-5)

§ 32.107 LEAVE OF ABSENCE.

(A) *Leave of absence without pay.* A leave of absence without pay may be granted to any member of the Sheriff's Office covered by the merit system irrespective of rank. The leave shall be from the position and rank that he or she holds at the time the leave is granted. Such leave may be granted whether the officer has or has not completed his or her probationary period.

(B) *Rules governing leaves of absence*

(1) All leaves of absence, except for military service, shall be for one year or less. Leaves of absence may be granted only by the Sheriff. An officer on leave of absence who accepts a position other than that for which the leave is granted, without approval of the Sheriff, shall be deemed to have resigned. An officer who fails to return to his or her position

following the granted leave, or fails to request and be granted a new leave of absence on or before the expiration date of his or her first leave, shall also be deemed to have resigned.

(2) The Sheriff shall be the sole judge of the appropriateness of the reasons and purposes for which the leave is requested. All officers taking leave of absence must surrender their credentials, insignia, and arms provided by the Sheriff's Office.

(C) *Resignation.*

(1) Any member covered by the merit system may resign from the Sheriff's Office for any reason. All officers resigning must surrender their credentials, insignia, and arms provided by the Sheriff's Office.

(2) Should a former member desire to again affiliate himself or herself under the merit system with the Sheriff's Office for any reason, he or she must once again meet the basic requirements for appointment to the Sheriff's Office as a corrections officer and Deputy Sheriff candidate and successfully complete the screening process in competition with all other applicants.

(3) All resignations are to be submitted to the Sheriff.

(Prior Code, 2 TCC 3-5)

VETERANS ASSISTANCE COMMISSION

§ 32.120 RULES ESTABLISHED.

The following are the rules of the Veterans Assistance Commission promulgated by the Veterans Assistance Commission as authorized by law. These rules were drafted without the direct involvement of the County Board and can be changed by the Veterans Assistance Commission without further County Board action, but are included in this code for ease of reference.

(Prior Code, 2 TCC 4-1)

§ 32.121 TITLE.

The official name of this central assistance and service committee shall be the Veterans Assistance Commission of the county, by which name this Commission shall be called and known.

(Prior Code, 2 TCC 4-1)

§ 32.122 STATE LAWS.

(A) This Commission shall be clothed with all the powers and charged with all the duties imposed by the laws of this state under which this Commission is organized.

(B) Any changes or amendments of the existing state law or any ruling by the Attorney General that supercedes existing veterans assistance legislation shall be deemed an amendment to these laws.

(Prior Code, 2 TCC 4-1)

§ 32.123 DELEGATES.

(A) This Commission shall be composed of one delegate and one alternate from each post, detachment, camp, unit, chapter, or ship, of the following organizations: American Legion, American Veterans of World War II, Disabled American War Veterans, Marine Corps League, and Veterans of Foreign Wars.

(B) Such delegates and alternates are to be selected annually as may be determined by each of the organizations named above and shall serve for the term of one year to run concurrent with the fiscal year of the county and until their successor is selected.

(C) If a delegate or alternate vacancy occurs, prior to completion of the prescribed term of office, representative organizations may reappoint delegates or alternates to fill the unexpired term.

(D) The Superintendent must be an honorably discharged veteran and shall be elected by the Commission and shall, under the direction of the Commission, have to carry on the work of the Commission.

(E) Neither the Superintendent nor any other employee of the Commission shall be allowed to hold any political office during their employment by the Commission.

(Prior Code, 2 TCC 4-1)

§ 32.124 SUPERINTENDENT.

(A) The executive powers of this Commission shall be vested in a Superintendent to be designated as the Superintendent of Veterans Assistance Commission of the county.

(B) The Superintendent shall be elected by the Commission shall, under the direction of the Commission, have charge of and maintain an office in a location in the county to be used to carry on the work of the Commission.

(C) There shall be a Secretary of the Commission who will be appointed by the Superintendent.

(D) The Superintendent may be removed from office prior to completion of his or her appointed term, for cause.

(E) Removal procedures may be instituted by written appeal to the Commission by three member organizations.

(F) Upon written appeal, an investigative committee, consisting of five delegates or alternates, shall be elected to investigate allegations of malfeasance or any demeanor that hinders the ethical or professional standards of the position of Superintendent.

(G) A report of committees findings will be made to the Commission and the Commission shall vote upon the appeal. An affirmative vote for removal by two-thirds the delegates or alternates attending a regular or special meeting where there is a quorum of seven delegates present, shall terminate the Superintendent appointment.

(H) All member organizations and delegates shall be notified of the pending appeal at least ten days prior to the date that such appeal is to be voted upon. All member organizations and delegates will be notified by first class mail at their last known address.

(Prior Code, 2 TCC 4-1)

§ 32.125 ANNUAL MEETING.

The annual meeting of the Commission shall be held at the office of the Commission in the county at 8:00 p.m. on the third Monday in November 1980, and annually each year thereafter at the same hour on the third Monday of each November. Notice of said annual meeting shall be given ten days before the time of the said meeting in writing by the Superintendent of the Commission, sent by first class mail to each of the members of the Commission at their address as shown by the records of the Commission.

(Prior Code, 2 TCC 4-1)

§ 32.126 CHAIRPERSON.

(A) At the annual meeting the Commission shall elect, by secret written ballot, from their members, a Chairperson and a Vice Chairperson who are to serve for the period of one year.

(B) The said Chairperson shall preside over all meetings of the Commission, annual, regular, and special, in the event the Chairperson vacates his or her term of office or is absent, the Vice Chairperson shall preside in his or her stead. The Superintendent of the Commission, or the delegated representative appointed by the Chairperson shall take minutes of all meetings and record the name in the records of the Commission.

(C) There shall be elected at an annual meeting the Superintendent of the Veterans Assistance Commission of the county who shall serve for the period of four years and until his or her successor is elected and qualified. The Superintendent shall be chosen by secret written ballot from the list of nominees presented by member of the Commission from the floor at the October meeting, the nominations will be closed at this meeting.

(D) The nominee for Superintendent receiving the majority number of votes cast shall be declared the elected Superintendent of the Commission.

(E) Each delegate shall be entitled to one vote, and if the delegate is not present at the annual meeting, then the alternate of said delegate shall be entitled to one vote.

(F) The fiscal year of the Commission shall run concurrent with the fiscal year of the county. All delegates and alternates and elected personnel will take office the December of the current year.

(G) These bylaws may be amended at any regular meeting of this Commission if there is a quorum of at least seven delegates present, providing that the proposed amendment has been submitted in writing and read at the last proceeding meeting and provided further that a copy of the written amendment has been mailed to all members of the Commission (delegates, alternates, and officers) at least ten days in advance of the date when such amendment is to be voted upon. All members and member organizations will be notified by first class mail at their last known address.

(H) Any number of delegates at a meeting may approve the reading of the bills and, at the direction of the Chairperson, may approve emergency bills due to hazardous weather conditions.

(Prior Code, 2 TCC 4-1)

§ 32.127 MONTHLY MEETING.

(A) The Commission, in addition to the annual meeting, shall meet once a month on the third Monday of each month at the hour of 8:00 p.m., at the office of the Commission for the purpose of transacting the business of the Commission and examining the reports of the Superintendent, the records of distribution of the funds of the Commission, or other funds available for distribution and such other matters pertaining to the business of the Commission as shall be brought before the said meeting. The annual meeting and the regular monthly meeting in November shall be held at the same time and place. The business of the regular will be cared for first and then to follow the business of the annual meeting.

(B) Proceedings at all business meeting shall governed by *Robert's Rules of Order*, revised, except as herein otherwise provided.

(Prior Code, 2 TCC 4-1)

§ 32.128 ADMINISTRATION.

(A) The Commission shall formulate such rules and regulations as may be necessary to carry out the spirit and intent of the law under which it is organized and provided for the relief to indigent and suffering veterans and their families and the families of deceased veterans.

(B) It shall be the duty of the Commission to seek to obtain from the County Board an appropriation of county funds in an amount sufficient to defray the expense and salaries of the Superintendent and Secretary and the expense of maintaining the office of the Commission, as well as obtaining from various towns in the county appropriations of sufficient funds to care for and carry out the assistance referred to above and also to obtain from the county sufficient funds for emergency assistance for veterans and their families and the families of deceased veterans.

(C) At an appropriate meeting the Commission shall prepare a budget within the limits of the funds available for the purposes of defraying all of the expenses of the Commission and the Superintendent and Secretary.

(D) The Commission and the Superintendent shall make such reports as are required by law.

(Prior Code, 2 TCC 4-1)

§ 32.129 SUPERINTENDENT RESPONSIBILITIES.

The Superintendent, upon election and qualification, shall obtain and install himself or herself in the office selected and shall carry on the service and assistance work of the Commission in the county, the Superintendent shall hear and investigate all claims for assistance arising under the law, and shall enter into arrangements with the Supervisors of the respective towns in the county and with the County Board for the assistance of veterans and for the honoring of orders by the Superintendent for that purpose. The Superintendent shall keep full and complete records of all cases handled throughout his or her office together with books of account which shall show all expenses and disbursements of his or her office and the distribution of such supplies as may be placed in his or her hands to distribute to indigent veterans and their dependants. The Superintendent shall make reports and accounting of all disbursements to the Commission and to the County Board as required by law and in keeping with the regulations of the Commission and shall be subject in all respects to the supervision of the Commission, except that the decisions of the Superintendent upon claims for assistance shall be final in all cases.

(Prior Code, 2 TCC 4-1)

§ 32.130 SPECIAL MEETING.

The Chairperson of the Commission, upon his or her own initiative or upon the request of five delegates in writing for a special meeting thereof, may call a special meeting at such time as may be required for the transaction of the business of the Commission. Notice of the special meeting shall cause a notice written to and sent to all delegates and alternates ten days in advance by first class mail.

(Prior Code, 2 TCC 4-1)

§ 32.131 REVIEW OF RULES.

These bylaws shall be reviewed by a committee appointed by the Chairperson of the Commission every four years.

(Prior Code, 2 TCC 4-1)

HERITAGE LAKE SPECIAL SERVICE AREA COMMISSION

§ 32.150 CREATION OF COMMISSION.

There is hereby created the Heritage Lake Special Service Area Commission, which Commission of the County Board shall be subject to and operate according to the following provisions.

(Ord. E-17-106, passed 9-27-2017)

§ 32.151 MEMBERSHIP; APPOINTMENT.

(A) The Commission shall consist of six Commissioners including a Chairperson. The Commissioners shall be appointed as follows:

(1) *County Commissioners.* Three Commissioners shall consist of the County Administrator, County Engineer, and Chairman of the County Transportation Committee; and

(2) *Heritage Lake Association Commissioners.* Three Commissioners shall be appointed by the Heritage Lake Association. The three Commissioners appointed by the Heritage Lake Association shall reside within the Heritage Lake Special Service Area and shall be members in good standing of the Heritage Lake Association.

(B) *Prohibited relationships.*

(1) Notwithstanding any other provision, no Commissioner may be an executive officer, owner, or member of the Board of Directors of the service provider agency selected for a services contract for that special service area.

(2) Notwithstanding any other provision, no business owned by a Commissioner may, for valuable consideration, provide goods or services as a subcontractor of a service provider agency pursuant to a services contract for the special service area that is the subject of the Heritage Lake Special Service Area.

(3) No business owned by an employee or elected official of the county or a Commissioner, may for valuable consideration, provide goods or services as a subcontractor of a service provider agency pursuant to a services contract for Heritage Lake Special Service Area.

(Ord. E-17-106, passed 9-27-2017)

§ 32.152 TERMS.

All Commissioners of the Heritage Lake Special Service Area Commission shall serve for the following terms:

(A) *County Commissioners.* All County Commissioners shall serve for as long as they shall occupy the position described above in § 35.151(A)(1) and until their successors shall be duly elected or appointed and qualified; and

(B) *Heritage Lake Association Commissioners.* Each Heritage Lake Association Commissioner shall serve for a term of three years or until his or her successor has been appointed and qualified. The Heritage Lake Commissioners appointed in 2017 shall be divided into three classes, each class consisting of one representative. The Commissioner in Class I shall hold office for a term of one year, the Commissioner in Class II shall hold office for a term of two years, and the Commissioner in Class III shall hold office for a term of three years, and until their respective successors are appointed and qualified. Thereafter, as their terms of office expire, their successors shall be appointed and shall hold office for a term of three years and until their successors are appointed and qualified.

(Ord. E-17-106, passed 9-27-2017)

§ 32.153 MEETINGS OF COMMISSION.

(A) *Regular meetings.* Regular meetings of the Commission may be established by the Commission.

(B) *Special meetings.* Special meetings of the Commission may be called by the Chairperson or the County Board Chairman.

(C) *Quorum.* A quorum of all acting Commissioners shall consist of and be equal to a majority of active Commissioners. Any positions that may be or remain unfilled on said Commission shall not be counted as active Commissioners when determining the active number of Commissioners for purposes of a quorum. If a quorum is present, the affirmative vote of the majority of the Commissioners present at the meeting shall be the act of the Commission. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the original meeting. Withdrawal of Commissioners from any meeting shall not cause a failure of a duly constituted quorum at that meeting.

(D) *Deadlock.*

(1) *Definition.* For purposes of this provision, the term **DEADLOCK** shall mean an even division in the number of Commissioners in the transaction or management of the Commission's affairs, which the Commissioners are unable to break, and which thereby the business of the Commission can no longer be conducted.

(2) *Appointment of provisional Commissioner.* In the event of a deadlock of the Commissioners, the County Treasurer shall be and become a provisional Commissioner of the Commission. The County Treasurer shall serve only to break the even division of the Commissioners in the transaction or management of the Commission's affairs. Immediately after the even division among the Commissioners has been broken, the County Treasurer shall cease to serve as a Commissioner, until such time as there is again an even division in the number of Commissioners in the management of the Commission's affairs, which the Commissioners are unable to break.

(E) *Participation by remote communications.* A Commissioner or a member of a committee appointed by the Commission may participate in a meeting by conference telephone, electronic video screen communication, other electronic transmission, or similar communications equipment by means of which all people participating in the meeting can hear one another, each participant can communicate with all of the other participants concurrently, and each participant is provided with the means of participating in all matters before the meeting, including the capacity to propose or to interpose an objection to a specific action to be taken at the meeting. Participation in this manner constitutes presence in person at the meeting.

(F) *Open Meetings Act.* All meetings of the Commission will be subject to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.

(Ord. E-17-106, passed 9-27-2017)

§ 32.154 CHAIRPERSON; DUTIES AND POWERS.

(A) *Chairperson.* The Chairperson of the Heritage Lake Special Service Area Commission shall be the County Administrator.

(B) *Powers and duties of Chairperson.* The Chairperson of the Commission shall have the following duties and powers:

- (1) To preside over meetings of the Commission;
- (2) To delegate duties to Commissioners, to such other officers as the Commission may create, and to such committees and subcommittees of the Commission as may be created;
- (3) To obtain performance by each of the committees of the Commission, or subcommittees, of its functions and to otherwise cause the functions and duties of the Commission to be performed;
- (4) To provide general leadership and direction to the Commission;
- (5) To work cooperatively with the Chairman of the County Board and to keep the Chairman of the County Board informed as to the activities and plans of the Commission and as to its recommendations and needs;
- (6) To be an ex officio member of all committees and subcommittees of the Commission; and
- (7) To perform such other duties as will advance the purposes of the Commission.

(C) *Powers and duties of Commission.* The Commission shall have the following duties and responsibilities:

- (1) It shall generally provide oversight and management to and for the Service Area;
- (2) It shall annually prepare and submit to the County Board a budget for the Service Area on or before August 15 of each year;
- (3) It shall annually prepare and submit to the County Board an appropriation ordinance for the Service Area;
- (4) It shall annually prepare and submit to the County Board a tax levy ordinance for the Service Area;
- (5) It shall prepare and recommend to the County Board from time to time such changes in this subchapter creating the Service Area and the boundaries of the Service Area or any part thereof as may be deemed necessary by the Commission;
- (6) It shall prepare and recommend to the County Board from time to time plans and/or recommendations for specific improvements in pursuance of the Service Area.
- (7) It shall annually receive from the Heritage Lake Association a list of property owners each of whom is to be assessed, and the specific properties to be assessed, in the next succeeding tax year;
- (8) It shall review and approve the list of property owners received from the Heritage Lake Association, and shall certify such list to the County Clerk; and
- (9) It shall exercise such other powers germane to the powers granted and as may be conferred by the County Board.

(Ord. E-17-106, passed 9-27-2017)

§ 32.155 RECORD TO BE KEPT.

The Commission shall keep a public record of its resolutions, findings, and determinations. It shall also file an annual report with the Chairman of the County Board and the County Board setting forth its transactions and recommendations. The Commission shall comply with the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

(Ord. E-17-106, passed 9-27-2017)

§ 32.156 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as are necessary or are desirable for its administrative operation.

(Ord. E-17-106, passed 9-27-2017)

CHAPTER 33: COUNTY BOARD

Section

- 33.01 Preamble
- 33.02 Organization and officers
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§ 33.01 PREAMBLE.

(A) The members of the County Board express their expectations and intent that all Board members follow a high standard of ethical behavior in exercising their duties, responsibilities, and judgment as Board members.

(B) All members of the County Board shall:

(1) Handle county affairs with a deep sense of responsibility, upholding the spirit as well as the letter of the law and constitution;

(2) Faithfully perform all duties as Board members by studying Board issues and by attending all sessions of the Board and assigned committees, unless prevented from so doing by a compelling reason;

(3) Avoid participation in any action which would result in a conflict of personal interest with county responsibility;

(4) Refrain from obtaining improper personal benefit with regard to public funds, equipment, property, or the services of employees;

(5) Respect the confidentiality of privileged information; and

(6) Refrain from accepting gifts, favors, or promises of future benefit which could tend to impair independence of judgment or action as a Board member.

(C) The above preamble and the following rules shall govern the County Board.

(Prior Code, 1 TCC 4-1) (Ord. E-18-22, passed 2-25-2018)

§ 33.02 ORGANIZATION AND OFFICERS.

(A) *Initial meeting.* In years of County Board elections the initial meeting of the County Board shall be the first Monday in December. The Board Chairman shall call the meeting to order and preside.

(B) *General powers of Chairman.* The Chairman shall:

(1) Be responsible for administering the Board Office, including the supervision of staff and assignment of work;

(2) Preside at all meetings of the Board and the Executive Committee;

(3) Conduct the business of the Board meetings in the order prescribed in these rules with all necessary general powers including, but not limited to: recognize members entitled to the floor; to state and to put to a vote all questions which are regularly moved and seconded or which necessarily arise in the course of the proceedings; to announce the results thereof; to protect the Board from all frivolous or dilatory actions; to decide all questions of order, subject to an appeal to the Board, in case of disturbances, breach of decorum, or disorderly conduct; to take action pursuant to § 33.06(M); and to assist in expediting the business of the Board;

(4) Have all the powers necessary to perform all other duties prescribed by law or by action of the Board; and

(5) Vote only when the vote of the Board results in a tie.

(C) *Appointment and duties of Vice Chairman of the Board and standing committees.*

(1) *Vice Chairman.* The Vice Chairman of the Board shall be nominated by the Chairman and subject to the approval of the full Board. The Vice Chairman must be a member of the Board and shall be a member of the Executive Committee and may also serve as Chairman of any committee or subcommittee.

(2) In case of the temporary absence of the Chairman or at the request of the Chairman, the Vice Chairman shall assume the duties and responsibilities of the Chairman on an interim basis, during which time the Vice Chairman shall have all of the powers and duties of the Chairman, including the authority to execute and sign on behalf of the county all ordinances, resolutions, intergovernmental agreements, contracts, and any other legal instruments approved by the County Board, unless otherwise provided by law. In case of the absence of the Chairman and the Vice Chairman at any meeting of the Board, the next available Board Member on the "Order of Next" shall have those powers listed above. The "Order of Next", a document to be created by the County Board Chair, is a list of those Board Members who shall succeed in the absence of the Chair and Vice Chair of the full Board and each County Board Committee.

(3) *Standing committee.* The Chairman of the Board shall appoint the Chairman, Vice Chairman, and members of all standing committees not later than the initial December Board meeting in each year in which Board elections are held.

(4) *Vacancies.* In case of a vacancy on the Board, the person named to fill the vacancy may also fill any vacancies on standing or special committees except that such person shall not be designated as Chairman or Vice Chairman thereof. When a vacancy has been created on a committee of the Board, the Chairman of the Board shall have the authority to fill that vacancy. The Vice Chairman of the Committee shall serve as interim Chairman until such appointment is made.

(D) *Clerk of the Board.* The County Clerk or a deputy selected by the County Clerk shall be the Clerk of the Board. The Clerk shall be the keeper of the records and the minutes of the Board and its committees and shall be in attendance at all meetings of the Board.

(E) *Minutes of closed meetings.* Minutes of any closed meeting held pursuant to the Open Meetings Act, 5 ILCS 120/1.01 et seq. shall be made available to the members of the body which conducted such meetings at the next meeting of that body for approval. Upon approval of such closed session minutes, all distributed copies shall be returned to the County Clerk. The Clerk shall keep such minutes in a secure location and submit a copy to the State's Attorney. The State's Attorney shall preserve the copy in a secure location. Such minutes shall be reviewed at least semi-annually by the Board for continued need for confidentiality in accordance with the Illinois Open Meetings Act.

(F) *Parliamentarian.* The Board Chairman shall designate a member as Parliamentarian subject to the approval of the full Board. Upon request of the Chairman or a member of the Board, the Parliamentarian shall render advice or an opinion on questions of parliamentary law and procedure applicable to the members arising before the Board. The rules or parliamentary procedures as set forth in the latest published edition of *Roberts Rules of Order, Revised* shall govern the procedure of the Board in all cases applicable and to the extent not inconsistent with these rules.

(G) Appointments of officers and or members to various boards, councils, commissions, special authorities, special districts, and other agencies shall be made by nomination by the Chairman and approval of the Board unless otherwise provided by law.

(H) *Procedure for filling vacancies in elective county offices.* When a vacancy in any county elective office occurs, the procedure for filling such vacancy shall be as follows, to the extent consistent with any laws (10 ILCS 5/25-11) (Note: Circuit Clerk vacancy is filled by Circuit Judges, 10 ILCS 5/25- 10).

(1) When such vacancy occurs, the Chairman shall publicly announce the vacancy and shall provide at least 21 days notice of the date upon which the appointment to fill the vacancy shall be made, said appointment to be made at a regular Board meeting not later than 60 days after the vacancy occurs.

(2) Written applications and resumes must be submitted to the Board office by 12:00 noon of the Monday prior to the regularly scheduled meeting of the Executive Committee in the month in which the appointment is to be made. No applications will be considered unless they have been so submitted and signed by the applicant. The Board Chairman or his designee shall screen all applications for eligibility. All applications shall be made available to Board members.

(3) Any applicant must be otherwise qualified for the office in which the vacancy exists and must meet all the qualifications for holding public office. Each applicant must provide evidence of membership in the same political party as the person who the applicant proposes to succeed.

(4) At a regular Board meeting, an appointment will then be made by the Chairman subject to the approval of the Board. All voting regarding the appointment shall be by a roll call vote.

(Prior Code, 1 TCC 4-2) (Ord. E-18-22, passed 2-25-2018)

§ 33.03 BOARD STAFF.

(A) The County Board may be served by Board staff as authorized by the County Board.

(B) All work shall be assigned to the staff by the Board Chairman or the County Administrator. Any Board member requiring services from the Board staff shall make such request through the Board Chairman or the County Administrator.

(Prior Code, 1 TCC 4-3) (Ord. E-18-22, passed 2-25-2018)

§ 33.04 COUNTY BOARD MEETINGS.

(A) *Regular meetings.* Regular meetings of the full Board shall be held in the county board room on the last Wednesday of each month convening at 6:00 p.m., except when other meeting dates/times are designated. A monthly schedule of meetings shall be made available to all members and other interested persons. All meetings of the Board and its committees shall be open to the public, except for limited purposes as specified by law.

(B) *Special meetings.* Special meetings of the Board shall be held when requested by the Chairman or at least one-third of the members of the Board. The requests shall be in writing, addressed to the Clerk, and specify the time, place, and the nature of matters to be considered. The Clerk shall immediately notify, in writing, each member of the time and place of such meeting and shall also cause notice of such meeting to be published in a newspaper published in the county.

(C) *Agenda preparation.* The Chairman shall prepare an agenda for each regular meeting, listing the order of business in as much detail as is practical, and shall file the agenda with the Clerk for notification. The agenda shall include a "consent agenda" which shall include all matters that are to come before the Board that in the opinion of the Chairman will be of a

routine nature.

(D) *Reports and communications.* Any committee Chairman or any elected or appointed county official who desires to present any report or communication to the Board shall deliver a copy of same to the Chairman by the fifth calendar day prior to the Board meeting. Failure to comply with this rule will not prohibit a report or communication from being considered by the Board.

(E) *Agenda mailing.* At least three business days before each regular meeting, the Clerk shall send to each member, the following documents:

- (1) Agenda for the next meeting;
- (2) Minutes of the previous meeting;
- (3) Resolutions, ordinances, and written reports to come before the Board at next meeting, which has been filed with the Board office;
- (4) All committee minutes filed with the Clerk since the previous meeting; and
- (5) All other material that in the opinion of the Chairman will be of interest to Members.

(F) *Resolution of congratulations or bereavement.* Any Board member who desires to have the Board adopt a resolution of congratulations or bereavement, recognition to an individual, group achievement, and/or community special event shall forward the resolution (or the information to be included in the resolution) to the Chairman's office six business days prior to the Board meeting (or as soon as possible for a bereavement). In lieu of a formal resolution of congratulations, a Board member may move that the Board Chairman prepare a letter of congratulations in recognition of an individual, group achievement, and/or community special event. The Chairman shall include all such letters on the consent agenda of the next regularly scheduled Board meeting.

(G) *Items for final action by the Board.* Ordinances, resolutions (except those covered by division (F) above), and other agenda items requiring final action by the Board must be reported out of a standing committee to the Board to be placed in the agenda for a final vote. A copy of the motion to be presented to the Board shall be given to the Chairman and the State's Attorney (unless prepared by the State's Attorney) at least six calendar days prior to the Board meeting at which it is to be considered. Any motion made that does not comply with this provision may only be considered by suspension of the rules. Matters which are frequently adopted by the Board in the same form except as to certain detail, such as highway resolutions, need not be so timely with the Chairman, or furnished to the State's Attorney.

(Prior Code, 1 TCC 4-4) (Ord. E-18-22, passed 2-25-2018)

§ 33.05 ORDER OF BUSINESS.

The order of business before the Board and each County Board committee shall be as follows, unless otherwise determined by action of the Board:

- (A) Roll call;
- (B) Invocation and pledge of allegiance;
- (C) Approval of minutes;
- (D) Communications from members of the public and county employees;
- (E) Communications from elected and appointed county officials;
- (F) Consent agenda;
- (G) Appointments;
- (H) Unfinished business;
- (I) New business;
- (J) Review of bills;
- (K) Approval of calendar of meetings for succeeding month; and
- (L) Recess.

(Prior Code, 1 TCC 4-5) (Ord. E-18-22, passed 2-25-2018)

§ 33.06 PROCEDURE AT BOARD MEETINGS.

- (A) *Quorum.* A majority of the members of the Board, exclusive of the Chairman, shall constitute a quorum.
- (B) *General voting.* Unless otherwise expressly provided, any actions taken by the Board or any committee shall only require the affirmative vote of the majority of the members present and voting.
- (C) *Roll call vote.*

(1) A roll call vote of the Board shall be taken by a "yes" or "no", "abstain" (with reason), or "present" vote on the following matters:

- (a) All contracts relating to the sale or leasing of county property;
- (b) Appropriation and tax levy ordinances;
- (c) All expenditures of county funds;
- (d) Any other matter required by law; and

(e) Upon any other matters, when announced by the Chairman or requested by two members, providing such request is made before another item of business has been taken by the Board.

(2) On a roll call vote the Clerk shall call the names of the members of the Board in alphabetical order, with the first names called for each roll call being the second name called in the previous roll call. The Chairman shall only vote when the vote of the Board results in a tie.

(3) A member who has voted on a roll call vote shall not be allowed to change that vote on the matter under consideration after the tally is announced. A member not voting when called upon by the Clerk will be presumed absent and will not be allowed to cast a vote on the matter under consideration.

(D) *Recognition.*

(1) Every member previous to speaking or making a motion shall first be recognized by the Chairman.

(2) When two or more members request recognition at the same time, the Chairman shall recognize the member who is to speak first.

(3) No person shall speak more than twice nor more than five minutes on the same matter without permission from the Chairman.

(E) *Motion to adjourn or recess.* A motion to adjourn or recess shall always be in order and shall be decided without debate.

(F) *Reconsideration.* An action may be reconsidered at any time during the meeting or at the next meeting held thereafter. A motion to reconsider shall be made and seconded by members of the Board who voted on the prevailing side of the question to be reconsidered.

(G) *Second required.* No motion shall be debated or put to a vote unless it is seconded. It shall then be stated by the Chairman before debate or vote and every motion shall be reduced to writing when requested by the Chairman or any member.

(H) *Appearance by non-members.*

(1) Any member may request that a county officer or employee, or other persons, be permitted to appear before the Board on matters of county business, and such request shall be granted by the Chairman unless there is objection by any member, in which event Board action will be required to overrule the Chairman.

(2) Generally, all requests by non-members of the Board for appearance before the Board shall be made to the Chairman, in writing with the subject matter stated, not less than 24 hours before the next scheduled Board meeting unless otherwise allowed by the Chairman. Such appearance with regard to any particular topic shall be limited to a time not to exceed three minutes for each individual, five minutes for a representative spokesman of a group, and fifteen minutes total. The Chairman may act to prevent repetition or digression, to maintain decorum and to exclude discussion of matters which have had a previous public hearing conducted according to law, discussion of matters where public comment would interfere with the due process of law or discussion of matters which would be in direct conflict with restrictions placed upon the Board by other applicable law.

(I) *Request for legal opinions.* Formal requests to the State's Attorney on questions of law shall be submitted in writing by a standing committee, the County Administrator, department heads, or by the Chairman of the Board. The Chairman and Vice Chairman of the Board and members of the Executive Committee shall receive copies of formal written requests for legal opinions. Said copies shall also be included in materials distributed to members of the Board as provided in § 33.04(E) prior to the next meeting of the Board unless such request originated after said materials have been distributed, in which case such copies shall be distributed at the beginning of the meeting. Any member of the Board desiring an advisory opinion on a matter within the jurisdiction of a standing committee shall submit such request to the appropriate standing committee. If unsuccessful before a standing committee, a member may then take such request in the form of a motion at any meeting of the Board which shall be granted upon approval by a majority of the members of the Board.

(J) *Suspension of rules.* Any of these rules may be temporarily suspended by action of a two-thirds majority of members present and voting on the Board. Immediately upon the termination of the business arising out of the event for which the rules were suspended, these rules shall again be in effect without vote of the Board.

(K) *Consent agenda.* All matters on the consent agenda that are not removed will be voted on by voice vote. An item shall be removed from the consent agenda upon the oral request of any member of the Board made prior to the vote. Any matter taken off of the consent agenda shall be considered at the time of the standing committee report to which it pertains.

(L) *Closed meeting or session.* Any closed meeting or closed session held by the Board shall be held in accordance with the provisions of the Illinois Open Meetings Act. Neither the news media nor the general public shall be allowed to record the proceedings of any said closed meeting or closed session.

(M) *Decorum.* During the proceedings of the County Board decorum shall be maintained at all times by members, interested parties, the public, and the media. The Chairman shall be authorized to take appropriate action to maintain said decorum.

(N) *Contracts.* No contract shall be approved by the Board unless all Board members have been given the opportunity to obtain a copy of the contract not less than 24 hours before the Board meeting unless the Board finds the contract at issue to be of the essence.

(Prior Code, 1 TCC 4-6) (Ord. E-18-22, passed 2-25-2018)

§ 33.07 COMMITTEES' NUMBER, DESIGNATION, AND MEMBERSHIP.

(A) *The standing committees.*

(1) Standing committees are:

(a) The Executive Committee, which consists of the Board Chairman, Vice Chairman of the Board, and the Chairman of the other standing committees, as well as any other Board member designated by the Chairman. The Chairman of the Board shall have the same voting rights as designated in § 33.02(B); and

(b) The Finance Committee, Human Resources Committee, Transportation Committee, Health Services Committee, Property Committee, Land Use and Development Committee, the Executive Committee, and Risk Management Policy Committee. All standing committees may have up to 11 members exclusive of the Board Chairman unless otherwise required by these rules.

(2) Each Board member shall serve on two or more standing committees.

(3) The Chairman of the Board shall be an ex officio member of all standing committees and subcommittees. The Board Chairman shall have the same voting rights as provided in § 33.02(B).

(4) The Committee Chairman shall have the same voting rights as any member of the Committee.

(B) *Quorum.* A majority of the members of a committee, subcommittee, or ad hoc committee shall constitute a quorum. The Board Chairman's attendance at a committee meeting (but not a subcommittee meeting) shall be counted when determining if a quorum is present; however, such attendance shall not increase the number of members constituting a quorum.

(C) *Recording of votes.* Roll call votes shall be required in committees as in §33.06(C). Whenever a roll call vote is not taken, any member may have their own vote recorded in the minutes by so requesting at the time the vote is taken.

(D) *Alternate members and attendance of members at committee meetings other than those to which they are assigned.*

(1) An alternate member may be appointed to each standing committee by the Chairman of the Board and such alternative shall attend meetings of such committee if required to constitute a quorum and shall have all the privileges and duties of a regular member while so serving.

(2) Board members may attend and have access to minutes resulting from any open or closed meetings or sessions of committees of which they are not members. At the discretion of the Committee Chairman, during the meeting, the Board member may participate in the meeting but without voting privilege or payment of per diem, mileage, or expenses.

(3) Any closed meeting or closed session held by any committee of the County Board shall be held in accordance with the provisions of the Illinois Open Meeting Act. Neither the news media nor the general public shall be allowed to record the closed session.

(4) Decorum during the proceedings of all committee meetings shall be maintained at all times by members, interested parties, the public, and the media. The Committee Chairman shall be authorized to take appropriate action to maintain said decorum.

(E) *Subcommittees of standing committees.*

(1) *Subcommittees of the Executive Committee.* The standing subcommittees of the Executive Committee are: Rules Subcommittee, Collective Bargaining Subcommittee, Legal Services Subcommittee, Legislative Subcommittee, and Ethics Commission Subcommittee appointed by the Chairman. In addition, the Chairman may create and appoint up to six members to such subcommittees and advisory groups deemed necessary from time to time to more efficiently accomplish the business of the committee. Membership of any subcommittee of the Executive Committee shall consist of Board members but shall not be restricted to members of the Executive Committee. Membership of any advisory group shall not be restricted to Board Members. Except as otherwise provided by statute or ordinance, such subcommittee shall report to the Executive Committee.

(2) *Subcommittees of other standing committees.* The Chairman of any standing committee may create such subcommittee of his committee as may be necessary from time to time to more efficiently accomplish the business of such standing committee. The Board Chairman shall be an ex officio member of any such subcommittee with the same voting

rights as provided in § 33.02(B). Appointment to such subcommittee shall be made by the committee Chairman and shall be restricted to members of the standing committee. Except as otherwise provided, such subcommittees shall report to their standing committee.

(Prior Code, 1 TCC 4-7) (Ord. E-18-22, passed 2-25-2018)

§ 33.08 COMMITTEES' GENERAL FUNCTIONS AND RESPONSIBILITIES.

The general function and responsibilities of each committee are:

- (A) With the aid of the Board Chairman, County Administrator, State's Attorney, Auditor, Treasurer and Executive Committee, to keep informed concerning appropriations and the budget for activities under the purview of the committee and to help keep expenditures within the budget;
- (B) To keep written minutes and to report regularly to the Board the substance of all meetings;
- (C) To file minutes of all committee meetings with the Board office, which shall then be filed with the County Clerk, prior to the next regularly scheduled meeting;
- (D) To submit to the County Board for consideration all policies and procedures as recommended by the committee;
- (E) To act on all matters referred to by the committee by the Chairman of the Board or by the Board itself, in addition to duties otherwise prescribed; and
- (F) To keep informed with regard to activities of any department which is under its general supervision or for which it serves as liaison with the Board in instances where such activities are concerned with another committee.

(Prior Code, 1 TCC 4-8) (Ord. E-18-22, passed 2-25-2018)

§ 33.09 COMMITTEE RULES.

- (A) Committees shall take final action only on those matters authorized herein or by ordinance, resolution, or policy adopted by the Board.
- (B) A committee shall allow non-members to appear before it when such appearance is appropriate and does not violate due process of law. A request for such appearance shall be directed to the Committee Chairman in writing with the subject matter stated at least 24 hours in advance of the meeting unless otherwise allowed by the Committee Chairman. The committee shall have the right to set reasonable time limits, prevent unruly conduct, and require groups to be represented by one spokesman.
- (C) The regular committee meeting dates, location, and times shall be set by the Committee Chairman after consultation with the committee members.
- (D) Each Committee Chairman shall require the County Clerk or such designated person to prepare and mail an agenda to all committee members in advance of a regularly scheduled meeting.
- (E) Committees shall use the public address system when meeting in the county board room.

(Prior Code, 1 TCC 4-9) (Ord. E-18-22, passed 2-25-2018)

§ 33.10 FUNCTIONS AND RESPONSIBILITIES OF SPECIFIC COMMITTEES.

In addition to the general duties otherwise prescribed, the individual committees shall have the functions, responsibilities, and areas of jurisdiction and otherwise as set forth in this section.

(A) *Executive Committee.*

- (1) To provide general direction for all Board programs, business, planning and policy making functions, and to review the reports of Board committees;
- (2) To exercise general supervision of the administration of all Board affairs, including coordination of all committees;
- (3) To act in an advisory capacity to the Chairman of the Board;
- (4) To review and make recommendations for changes in committee organizations and scope and in rules as may be deemed necessary;
- (5) To be responsible for the general overview of, and coordination with, all ad hoc committees, task force, and other like organizations as their activities relate to county business, unless specifically under the jurisdiction of another standing committee;
- (6) To be responsible for all matters concerning the employment and activities of all consultants, both paid and unpaid, unless specifically under the jurisdiction of another standing committee;
- (7) To be responsible for all relationships with other units of government and for intergovernmental agreements unless specifically under the jurisdiction of another standing committee;
- (8) To exercise general supervision over all matters relating to the codification of county ordinances and resolutions;

(9) To exercise general supervision over any federal or state entitlement programs for which the Board has responsibility;

(10) To serve as liaison in the Board's relationship with external boards and commissions with which the Board may have a working relationship;

(11) To serve as the oversight committee for all local, state, and federal economic development programs, including, but not limited to, the county's intergovernmental agreement with the Economic Development Council of Peoria, Inc., and to exercise general supervision over all economic development grants;

(12) To review matters related to supervision over all licensing activities including raffles and charitable games;

(13) To exercise general supervision over all licensing activities including raffles and charitable games; and

(14) To evaluate the performance of the County Administrator and to recommend salary and other terms of the Administrator's employment agreement.

(B) *Rules Committee.*

(1) To periodically review the rules of the Board and recommend revisions deemed necessary and appropriate; and

(2) To receive and consider proposals for changes in the rules of the Board and make appropriate recommendations.

(C) *Collective Bargaining Committee.* To exercise general supervision over all collective bargaining agreements, employee benefit, and entitlement, and make recommendations to the Board.

(D) *Legislative Liaison Committee.* To serve as oversight committee for legislative research and review.

(E) *Finance Committee.*

(1) To exercise continuous review of the overall tax cycle from the initial assessment of property through tax collection;

(2) To exercise continuous review of revenues and expenditures, and to identify new or alternative revenue sources of the county;

(3) To review and make recommendations to the Board with respect to purchasing and contracting policies and procedures;

(4) To exercise continuous review of financial management, accounting, and fiscal operations;

(5) To serve as the oversight committee for the office of the Supervisor of Assessments;

(6) To serve as the liaison committee for all officials;

(7) To be responsible for fiscal instruments;

(8) To recommend to the Board a public accounting firm to conduct an annual audit of all funds and accounts of the county;

(9) To make recommendation on all emergency appropriations, transfer ordinances, and any transfers from the Contingent Account in all funds;

(10) To receive the proposed annual operating and annual capital improvements budgets for each of the departments of county government as recommended by the respective oversight committees; and to study, review, and adjust such departmental budget requests in order to accommodate budgetary priorities and fiscal constraints. To review the proposed budget and appropriation ordinance and proposed tax levy ordinance, which shall be submitted to the Board with the Executive Committee's recommendation, in accordance with state statutes; and

(11) To review the outside auditor's management letter, request departmental responses to same, and make recommendations to the Board and the various oversight committees.

(F) *Human Resources Committee.*

(1) To prepare and make recommendation to the Board with respect to the personnel policies and procedures which are not subject to collective bargaining;

(2) To consider all requests for compensation changes or reclassification and make a recommendation to the Board;

(3) To consider all requests for staffing changes which require additional staff and make a recommendation to the Board;

(4) To exercise general supervision over the administration of the position classification schedules and the salary schedules;

(5) To act as the oversight committee for the County Health Care Program, Workers Compensation, and all non-liability insurance matters, including property claims and property insurance matters; and

(6) To review and make recommendations to the Board on salaries and compensation of elected and appointed officials.

(G) *Transportation Committee.*

- (1) To serve as the oversight committee for the County Highway Department;
- (2) To exercise general supervision over all bridge, road, and right-of-way matters under the jurisdiction of the county; over the acquisition and disposition of County Highway equipment and materials;
- (3) To recommend to the Board approval of contracts for all highway work and transportation programs for which the county is responsible;
- (4) To exercise general supervision over the letting of bids and right-of-way acquisitions relating to County Highways or the County Highway Department;
- (5) To provide the Board with long range plans for the highways in the county, including those to be undertaken by the county and those planned jointly with other political units; and
- (6) To exercise general supervision over matters which are assigned to this committee with regard to the buildings and grounds at the County Highway Complex and any departmental expenditures.

(H) *Health Services Committee.*

- (1) To serve as liaison in the Board's relationship with the Board of Health and the Persons with Developmental Disabilities (PDD) Board, and any other county physical and mental service;
- (2) To act as the oversight committee for the Animal Control Program;
- (3) To exercise general supervision over matters which are assigned by the Property Committee to this committee with regard to county buildings and grounds;
- (4) To act as the oversight committee for the County Solid Waste Management Plan. However, the siting of new or expansion of existing landfills, incinerator facilities, and transfer stations shall be as required in the site approval ordinance (see Chapter 156); and
- (5) To review all matters related to environmental concerns.

(I) *Property Committee.*

- (1) To serve as the oversight committee for, and exercise general supervision over, all county real property and to prepare plans and policies for county participation in recreational facilities and programs, and make appropriate recommendations to the Board;
- (2) To coordinate with appropriate standing committees in planning for any remodeling and expansion of any real property, and the acquisition of any equipment or services;
- (3) To exercise general supervision over matters which are assigned to other committees regarding county buildings and grounds; and
- (4) To direct the County Administrator or his designee to prepare, recommend, and submit to the appropriate oversight committees each year a five-year capital improvement program. The five-year capital improvement program shall be updated annually as a part of the budget process.

(J) *Land Use and Development Committee.*

- (1) To serve as the oversight committee for the Department of Community Development and to handle all matters upon which the zoning ordinance requires action by a committee of the Board;
- (2) To exercise general supervision over matters concerning maps, plats, and subdivisions, and to conduct public hearings and handle all other matters upon which the land subdivision ordinance requires action by a committee of the Board;
- (3) In cooperation with the Director of Community Development, to review and recommend environment, zoning, building, subdivision, mobile home, and nuisance ordinances and resolutions, and recommend any necessary changes to the Board;
- (4) To act as oversight committee between the Board and the Zoning Board Appeals; and
- (5) In cooperation with the appropriate agencies, to recommend for adoption of long-range comprehensive plan or portion thereof for the use of land, for protection of the environment, and to coordinate economic development.

(K) *Risk Management Policy Committee.* Together with the Treasurer, Auditor, and State's Attorney, to act as the governing committee for the Self-Funded Risk-Management and Liability Insurance Plan originally effective on December 1, 1988, as amended.

(Prior Code, 1 TCC 4-10) (Ord. E-18-22, passed 2-25-2018)

§ 33.11 AMENDMENT OF RULES.

Amendment of these rules shall require the approval of the Executive Committee and the affirmative vote of a majority of

the members of the Board. Any proposed amendment shall be voted upon only if it is distributed in writing to the members at least one month before the meeting at which the amendment is presented to the Board for adoption.

(Prior Code, 1 TCC 4-11) (Ord. E-18-22, passed 2-25-2018)

§ 33.12 EXPENDITURES.

(A) Compensation and reimbursement of Board Members.

(1) *Submitting Claim Vouchers.* Claim vouchers for per diem compensation and reimbursement of expenses shall be submitted to the Auditor by the tenth day of the month for presentation to the Finance Committee. Per diem requests must be accompanied by the written approval of the Chairman of the Board. Requests for reimbursement of expenses shall include a description of the expense incurred, purpose of expense, date incurred, and the signature of the member, verifying that such expenses was incurred for the benefit of the county. Additionally, mileage reimbursement requests shall not be paid unless the voucher states date, origin, and destination of travel; and purpose and number of miles.

(2) Per diem compensation.

(a) In addition to an annual salary of \$2,400, which is to be paid in 12 equal monthly installments each year, Board members shall receive a per diem for each day spent on authorized Board business beyond regular meetings of the County Board and standing committees other than Executive Committee. "Authorized Board business" is limited to activities approved by the Board Chairman including, but not limited to, the following examples:

1. Attendance at special meetings of the full Board or special meetings of standing committees to which a member has been appointed;

2. Attendance at a formal meeting of another governing or advisory body as the officially appointed representative of the Board to such body (for example, Health Department, Tri-County Regional Planning Commission and its Executive Board, PPUATS Policy and Technical Committees);

3. Attendance at any meeting of a board, commission, or agency to which they have been appointed as a liaison (for example, Veteran's Commission, Persons with Developmental Disabilities Board, Board of Health, We-Care Board, Youth Services Board, Heartland Water Resources Board, Prairie Rivers RC&D Board, Tazewell County Farm Bureau, Pekin Main Street);

4. Attendance at the County Board Executive Committee;

5. Attendance at the County Zoning Board of Appeals by members appointed to the Land Use Committee and by other members approved by the Board Chairman;

6. County Board Chairman approved attendance at education seminars and other training, meetings with other governmental agencies, and attendance to perform other work connected with the official business of the county.

(b) The per diem amount shall be \$60.

(3) Mileage reimbursement.

(a) Mileage shall be reimbursed at the rate in effect under regulations promulgated pursuant to the Internal Revenue Code (5 U.S.C. § 5707(b)(2)). All other expenses (fuel, lubricants, insurance, towing, and the like) are the sole responsibility of the Board member.

(b) 1. Mileage shall be reimbursed for travel to:

A. Any activity which would qualify as authorized Board business for per diem compensation; and

B. Any site which is the subject of a zoning decision or transportation project before the full Board.

2. The number of miles reimbursed shall be limited to the lesser of:

A. The round trip route from the member's residence to the activity or site; or

B. The actual route traveled to and from the activity/site.

(4) *Miscellaneous reimbursement.* Reimbursement for all other expenses shall be in accordance with the policy for all county employees.

(B) Payment of bills.

(1) All bills shall be submitted to the Finance Committee Chairman to determine whether some or all claims against the county should be allowed or disallowed, if sufficient funds have been budgeted and are available in the appropriate county fund.

(2) The Auditor will provide a monthly report of all claims paid in the prior month to the Board and the Board Chairman for review of each claim paid and that the report will identify the creditor, the department or county official which purchased the product or service, the fund from which the payment was made and the amount of the payment, and the date the check was issued.

(C) Payments of per diems for members of the County Board, the Zoning Board of Appeals, and the Merit Commission

shall be eligible for direct deposit through the Payroll Department with any amendments to per diems occurring in the next payroll.

(Prior Code, 1 TCC 4-12) (Ord. E-18-22, passed 2-25-2018)

§ 33.13 MISCELLANEOUS PROVISIONS.

(A) *Emergency procedure.* In case of an emergency, the Chairman of the Board shall be given the power to act on behalf of the Board. A letter setting forth the circumstances constituting the emergency shall be filed with the County Clerk (and with the Auditor, if any expenditures are involved). At the next meeting of the Board, by roll call vote, a resolution shall be considered regarding the emergency, stating therein the circumstances constituting the emergency and the Board's concurrence.

(B) *Records of the Board.* Any appropriate documents shall be placed on file among the records of the Board or a committee, as the case may be, by direction of the Chairman. Minutes of the Board or a committee shall be approved at the direction of the Chairman after opportunity is given for correction, addition, or deletion. Such action shall be reflected in the minutes of that meeting.

(C) *Conflict of interest.* No Board member shall vote on their own appointment to a position that includes compensation in excess of the per diem provided by these rules.

(Prior Code, 1 TCC 4-13) (Ord. E-18-22, passed 2-25-2018)

CHAPTER 34: CODE HEARING UNIT

Section

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- 34.33 Additional rules, regulations, and provisions
- 34.34 Regulations for the conduct of administrative hearings

Cross-reference:

Building and Property Maintenance Code, see Chapter 154

Subdivision Code, see Chapter 155

Zoning, see Chapter 157

GENERAL PROVISIONS

§ 34.01 ESTABLISHMENT.

There is hereby created a code hearing unit which shall be known as the "County Code Hearing Unit" and authorized to conduct administrative adjudication proceedings for the county, its departments, and its officers.

(Prior Code, 1 TCC 6-1)

§ 34.02 JURISDICTION.

The Code Hearing Unit is authorized to establish a system of administrative adjudications for the enforcement of all provisions of the County Code, except those preempted by state law or county ordinance.

(Prior Code, 1 TCC 6-2)

§ 34.03 COMBINED CODE HEARING UNIT AUTHORIZED.

The Code Hearing Unit may be combined with any adjacent unit of local government to create a combined Code Hearing Unit for the efficient and just adjudication of all ordinance violation cases for the various units of local government.

(Prior Code, 1 TCC 6-3)

§ 34.04 DIRECTOR AND HEARING OFFICERS; APPOINTMENT.

The Chairperson of the County Board, with the advice and consent of the County Board, shall appoint a Director and one or more Hearing Officers for the purpose in this section. A Hearing Officer may not be a Code Enforcement Officer or other law enforcement officer. The Director of the Code Hearing Unit shall have the power to create and amend regulations for the fair and efficient conduct of administrative hearings pursuant to this chapter.

(Prior Code, 1 TCC 6-4)

§ 34.05 ORDER AND OTHER PLEADING FORMS.

The Director of the Code Hearing Unit shall have the authority to create and require the use of preprinted order and related pleading forms in the hearing process.

(Prior Code, 1 TCC 6-5)

§ 34.06 HEARING OFFICERS; POWERS AND DUTIES.

Hearing Officers shall have the following powers:

(A) All powers authorized by state statute (see e.g., 55 ILCS 5/5-41005 to 5/5-41060) including, but not limited to, the following:

- (1) Preside at administrative hearings called to determine whether a code violation exists;
- (2) Hear testimony and accept evidence from the Code Enforcement Officer, the respondent, and all interested parties relevant to the existence of a code violation;
- (3) Preserve and authenticate the record of the hearing and all the exhibits and evidence introduced at the hearing;
- (4) Issue and sign written findings and a decision and order stating whether a code violation exists; and
- (5) Impose penalties consistent with applicable code provisions and to assess costs reasonably related to instituting the proceedings upon finding the respondent liable for the charged violation. In no event, however, shall the Hearing Officer have the authority to impose a penalty of incarceration.

(B) Hold conferences for the settlement or simplification of issues;

(C) Administer oaths and affirmations;

(D) Rule upon motions, objections, and the admissibility of evidence;

(E) Subject to the provisions of this chapter, subpoena relevant witnesses and the production of relevant documents, records, or other information; and

(F) Exercise all powers and duties necessary and proper to the administration of fair hearings.

(Prior Code, 1 TCC 6-6)

§ 34.07 HEARING OFFICERS; TRAINING REQUIREMENTS.

Prior to conducting an administrative adjudication proceeding, a Hearing Officer may be required to complete a training program approved by the Executive Committee, which may include the following:

- (A) Instruction on the county regulations for the conduct of administrative hearings;
- (B) Orientation to each subject area of the code violations which the Hearing Officer will adjudicate;
- (C) Observation of the county or another unit of local government's administrative hearings; and
- (D) Participation in hypothetical cases, including ruling on evidence and issuing final orders.

(Prior Code, 1 TCC 6-7)

§ 34.08 RULES AND REGULATIONS; AVAILABLE FOR PUBLIC INSPECTION.

The rules and regulations promulgated for the conduct of administrative hearings shall be published and kept on file in the office of the County Clerk where they shall be available to the public for inspection and copying during normal business hours.

(Prior Code, 1 TCC 6-8)

ADMINISTRATION

§ 34.20 INITIATING ADMINISTRATIVE ADJUDICATION PROCEEDINGS.

Code Enforcement Officers of the county may initiate administrative adjudication proceedings with the Code Hearing Unit by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the Code Hearing Unit.

(Prior Code, 1 TCC 6-9)

§ 34.21 SUBPOENAS.

(A) A Hearing Officer may issue a subpoena only if the Hearing Officer determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is:

- (1) Relevant to the case; and
- (2) Relates to a contested issue in the case.

(B) A subpoena issued under this chapter shall identify:

- (1) The person to whom it is directed;
- (2) The documents or other items sought by the subpoena, if any;
- (3) The date for appearance of the witnesses and the production of the documents or other items described in the subpoena;
- (4) The time for the appearance of the witnesses and the production of the documents or other items described in the subpoena; and
- (5) The place for the appearance of the witnesses and the production of the documents or other items described in the subpoena.

(C) In no event shall the date identified for the appearance of the witnesses or the production of the documents or other items be less than seven days after the service of the subpoena.

(55 ILCS 5/5-41025(a)) (Prior Code, 1 TCC 6-10)

§ 34.22 ELECTION OF REMEDIES.

In no case may the Code Hearing Unit conduct an administrative adjudication proceeding for an alleged violation of the County Code where the requested remedy is a punishment of imprisonment. Nothing in this chapter, however, shall preclude the county from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of a Hearing Officer.

(Prior Code, 1 TCC 6-11)

§ 34.23 ADMINISTRATIVE HEARING NOT EXCLUSIVE.

Notwithstanding any other provisions of this chapter, neither the authority of the Code Hearing Unit to conduct

administrative adjudication procedures nor the initiation of such procedures under this chapter shall preclude the county from seeking remedies for code violations through the use of any other administrative procedures or court proceeding.

(Prior Code, 1 TCC 6-12)

§ 34.24 NOTICE.

Notice shall be as provided by state law. A copy of the violation notice and report form shall be served on the respondent either personally or by first class mail, postage prepaid, sent to the address of the respondent. If the name of the respondents property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than 20 days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found.

(55 ILCS 5/5-41020(c)) (Prior Code, 1 TCC 6-13)

§ 34.25 ADMINISTRATIVE HEARINGS.

(A) Any administrative proceeding conducted by the Office of Administrative Adjudication shall afford the parties an opportunity for a hearing before an Administrative Law Officer.

(B) An attorney who appears on behalf of any person shall file with the Hearing Officer a written appearance on a form provided by the Code Hearing Unit for that purpose.

(C) In no event shall the case for the county be presented by an employee of the Code Hearing Unit; provided, however, that documentary evidence, including the notice of violation, which has been prepared by another department or office of the county, may be presented at the hearing by the Hearing Officer.

(D) The Hearing Officer may grant continuances only upon a finding of good cause.

(E) All testimony shall be given under oath or affirmation.

(F) The Hearing Officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and production of relevant documents. Issuance of subpoenas shall be subject to the restrictions contained in this chapter.

(G) Subject to this section, the Hearing Officer may permit witnesses to submit their testimony by affidavit or by telephone. A respondent may elect to contest an alleged violation through an adjudication by mail rather than at an administrative hearing. The respondent may use forms provided by the Code Hearing Unit or simply write a letter with any evidence respondent may have to contest the alleged violation. The respondent must sign respondent's correspondence.

(H) The formal and technical rules of evidence shall not apply to the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(I) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, issued and signed in accordance with 55 ILCS 5/5-41035 (or succeeding state law) shall be prima facie evidence of the correctness of the facts contained therein.

(J) Upon timely request of any party to a proceeding, any person, who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

(K) The record of all hearings before a Hearing Officer shall include:

- (1) All documents presented at the hearing;
- (2) A copy of the notice of the violation or notice of the hearing; and
- (3) A copy of the findings and decisions of the Hearing Officer.

(L) The record of a hearing before a Hearing Officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription, or other appropriate means.

(1) The Code Hearing Unit shall not provide recording services or equipment.

(2) Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber, or recorder at that party's own expense regardless of the outcome of the hearing.

(3) The Hearing Officer may reasonably limit where the court reporter, transcriber, or recorder may be placed in the hearing room. If the party or the court reporter, transcriber, or recorder is unwilling to follow reasonable limitations, then the Hearing Officer may remove court reporter, transcriber, or recorder.

(M) Upon conclusion of a hearing, the Hearing Officer shall issue a final determination of liability or no liability. Upon issuing a final determination of liability the Hearing Officer may:

- (1) Impose penalties and/or fines that are consistent with applicable provisions of the County Code;
- (2) Issue orders that are consistent with applicable provisions of the County Code, including, but not limited to, orders to cure any continuing violations of the County Code; and

(3) Assess costs reasonably related to instituting the hearing.

(N) In the issuance of a final determination of liability, a Hearing Officer shall inform the respondent of respondent's right to seek judicial review of the final determination.

(O) (1) If at the time set for a hearing the recipient of a notice of violation or a notice of hearing, or the recipient's attorney of record, fails to appear, the Hearing Officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a code violation and conclude with a finding, decision, and order. A copy of the order of default shall be served in any manner permitted under this chapter.

(2) Within 21 calendar days from the issuance of an order of default, a recipient of a notice of violation or a notice of hearing who has been found to be in default may petition the Hearing Officer to set aside the determination and set a new hearing date on the basis that the failure to appear at the hearing was for good cause. If the petition is granted, the Hearing Officer shall serve notice of the new hearing date upon the petitioner in any manner permitted by this chapter no less than seven calendar days prior to the hearing date.

(Prior Code, 1 TCC 6-14)

§ 34.26 EX PARTE DISCLOSURES.

The county hereby adopts and incorporates *Canon 3(A)(6) of the Code of Conduct for Administrative Law Officers*. Therefore, Hearing Officers and other personnel of the Code Hearing Unit are required to refrain from public comment about a pending or impending proceeding before the Code Hearing Unit.

(Prior Code, 1 TCC 6-15)

§ 34.27 POST-HEARING MOTIONS.

There shall be no post-hearing motion practice before the Code Hearing Unit. Appeals or review of final orders shall be governed by § 34.33.

(Prior Code, 1 TCC 6-16)

§ 34.28 COMPLIANCE BOND.

In order to ensure that code violations are remedied or fines are paid in a timely manner, a Hearing Officer, upon issuing a final determination of liability, may require a code violator to post with the county a compliance bond or, as appropriate, to consent to the granting and recording of a lien against titled property. Bonds and liens shall be approved by the County Auditor and State's Attorney's Office as to form and amount. Whenever it is necessary for the county to make repair or otherwise expend funds to a code violation for which a bond was posted, or whenever fines or costs remain unpaid after a code violator has exhausted or failed to exhaust judicial review procedures, the Hearing Officer may, after giving the parties notice and an opportunity to be heard, issue an order permitting the county to draw against the bond in an appropriate amount, or to foreclose the lien. The Hearing Officer shall order the bond or the titled property or proceeds from the titled property, less the costs incurred by the county, returned to the code violator upon proof of compliance with the applicable code provisions and the payment of the applicable fines or costs.

(Prior Code, 1 TCC 6-17)

§ 34.29 WAIVER, SUSPENSION, OR REDUCTION OF FINES.

In instances where the County Code calls for the imposition of a mandatory minimum fine upon a finding of liability by a Hearing Officer, a Hearing Officer may not waive, suspend, or reduce the imposition of said mandatory minimum fine.

(Prior Code, 1 TCC 6-18)

§ 34.30 ENFORCEMENT OF HEARING OFFICER'S ORDER.

Any fine, other sanction, or costs imposed by a Hearing Officer's order and any expenses incurred by the county to enforce the order including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, that remain unpaid after the exhaustion of, or the failure to exhaust, judicial review of a Hearing Officer's final determination of liability for a code violation shall be a debt due and owing the county and, as such, may be collected in accordance with applicable law.

(Prior Code, 1 TCC 6-19)

§ 34.31 FINES PAYABLE TO THE COUNTY TREASURER.

All fines and other monies paid to the county in accordance with this chapter shall be remitted to the County Treasurer for deposit to the county's General Fund.

(Prior Code, 1 TCC 6-21)

§ 34.32 REVIEW OF FINAL ORDERS.

(A) Upon becoming final, an order of a Hearing Officer shall be subject to review in the Circuit Court of the county under

the applicable avenue of appeal.

(B) In general, appeals of final orders for violations of County Code provisions are governed by the state's Administrative Review Act (735 ILCS 5/3-101 et seq.).

(Prior Code, 1 TCC 6-22)

§ 34.33 ADDITIONAL RULES, REGULATIONS, AND PROVISIONS.

The County Board may adopt any other necessary and proper rules, regulations, or provisions to carry into effect this chapter and the powers granted and purposes stated in the County Code, 55 ILCS 5/5-41.

(Prior Code, 1 TCC 6-23)

§ 34.34 REGULATIONS FOR THE CONDUCT OF ADMINISTRATIVE HEARINGS.

(A) *General regulations.*

(1) *Creation and amendment of regulations.* Until amended by the Director of the Code Hearing Unit, the following shall be the regulations applicable to administrative hearings.

(2) *Scope of regulations.* The regulations shall apply to the conduct of all cases before the Code Hearing Unit.

(3) *Supremacy of ordinances.* Nothing in these regulations shall act to override, restrict, or relax the procedural requirements or provisions of the applicable provisions of the County Code. In the event of a conflict between provisions of these regulations and the County Code, the County Code shall take precedence.

(4) *Effective date.* These rules shall be in full force and effect commencing May 30, 2002.

(B) *Decorum.* Administrative hearings shall be conducted with proper decorum at all times. A Hearing Officer is expected to conduct the Officer's room, call, and proceedings in a timely, orderly, and professional manner. A Hearing Officer may order the temporary removal of any individual who is causing or contributing to a disruption of the call or proceedings.

(C) *Record of proceedings.* All proceedings may be recorded by audio tape or by other approved means from start to finish. Respondents may, at their own cost, provide a certified or licensed court reporter to record proceedings. Video or audio recording not authorized by the Hearing Officer is prohibited.

(D) *Cameras and other non-authorized audio-visual recording or broadcasting devices.* The County hereby adopts and incorporates the order of the State Supreme Court *In re Photographing, Broadcasting, and Televising Proceedings in the Courts of Illinois* (MR No. 2634). Pursuant to said order, the photographing, broadcasting or televising of proceedings, other than those in the appellate and supreme courts, is prohibited. Therefore, the photographing, broadcasting, or televising of proceedings before a Hearing Officer are prohibited.

(E) *Introducing and opening remarks.* A Hearing Officer should begin the Officer's call by introducing himself or herself to the litigants and other attendants. Opening remarks should include informing the citizens as to the nature and manner of the proceedings. Opening remarks may include information about the order that cases will be called, the need to maintain proper decorum, continuances, acceptable and unacceptable defenses, the availability of pre-trial conferences and the range of potential fines.

(F) *Management of the case call.* Cases should be called in the following order to achieve a timely and efficient management of the call:

(1) *Pre-tried dismissals or settlements.* Matters pre-tried prior to the call which result in dismissal or settlement of the case shall be called and placed into the record.

(2) *Cases with attorneys.* Cases, not pre-tried or settled, in which an attorney has filed a written appearance shall be called. The Hearing Officer should note in the Officer's opening remarks that attorneys are not given preferential treatment, but as officers of the court their presence may be required before other judges in other courthouses.

(3) *Regular call.* Respondents seeking a full hearing shall be called and the hearing commenced.

(4) *Additional pre-tried dismissals or settlements.* Matters pre-tried during the call which result in dismissal or settlement of the case shall be called and placed into the record.

(5) *Motion to set-aside defaults.* Respondents moving to set aside the default order shall be called and a hearing on the motion commenced. The Hearing Officer shall first determine whether the motion is timely and whether the Officer has jurisdiction to entertain the motion. If timely, the Hearing Officer shall determine the merits of the motion. If the motion is granted, the Hearing Officer should proceed with a hearing on the case.

(6) *Defaults.* Cases in which no respondent has appeared shall be called. The Hearing Officer shall proceed with a hearing and enter an order on the record.

(G) *Discovery.* Discovery in proceedings before the Code Hearing Unit shall be governed by State Supreme Court Rule 201(h). Accordingly, no discovery procedure shall be used in proceedings before the Code Hearing Unit except by leave of a Hearing Officer.

(H) *Subpoenas of witnesses and documents.* Subpoenas in proceedings before the Code Hearing Unit may only be

issued by a Hearing Officer, unless otherwise provided by ordinance particular to the violation in question.

(I) *Rules of procedure and evidence.* The formal and technical rules of civil and criminal procedure and evidence shall not apply in the conduct of administrative hearings. Evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(J) *Standard of proof.* No violation may be established except upon proof by a preponderance of the evidence.

(K) *Representation and appearance.* Parties may represent themselves or may be represented by an attorney or authorized representative. Any and all counsel or other persons appearing on behalf of a respondent in proceedings before a Hearing Officer must file a written and signed appearance on the first occasion before the Hearing Officer. Proceedings, as defined in this section, includes any and all requests for a continuance, hearing, or hearing to vacate a default judgement.

(L) *Continuances.* In general, continuances are not looked upon with favor and shall only be granted where absolutely necessary for good cause shown. Lack of preparation shall not be grounds for a continuance.

(M) *Defaults.* If a respondent or respondent's representative fails to appear for a properly noticed hearing, the Hearing Officer may find the respondent in default and proceed with the hearing.

(N) *Motion to vacate a default.* A respondent must file a written motion to vacate the default order within 21 days after the issuance of the default order. The movant must also be prepared to proceed with an immediate hearing if the motion is granted. The Code Hearing Unit shall not have jurisdiction to vacate a default order after 21 days from the issuance of the default order. However, lack of personal jurisdiction may be raised at any time. **ISSUANCE OF THE DEFAULT ORDER**, as used in this rule, shall be the date that the default order was deposited in the U.S. mail.

(O) *Dismissal for want of prosecution.* If the Hearing Officer determines that the petitioner has not afforded proper notice, then the case shall be continued on the call to afford the petitioner an opportunity to resend notice. If at the continued date the petitioner has not afforded proper notice, the Hearing Officer shall dismiss the matter for want of prosecution. Said first dismissal shall be without prejudice.

(P) *Pre-hearing motions.* Pre-hearing motions should be limited to motions for leave to request discovery, subpoenas, continuances, or vacation of prior default under divisions (H), (I), (L), and (N) above. In matters where discovery is allowed by the Hearing Officer, discovery related motions may also be allowed.

(Q) *Pre-hearing settlements conferences.* A party and the issuing County Department, through its representative or legal counsel, may enter into a settlement or stipulation of the issues or case and present the same to the Hearing Officer when the matter is called.

(R) *Hearings.*

(1) *Notice.* A Hearing Officer will first determine whether the petitioner has afforded proper notice to the respondent. If notice is improper, the matter will be returned to the petitioner for re-notice or refiling.

(2) *Presentation of the county's case.* The county bears the responsibility for presenting its case. In general the case may be presented via a county representative (including non-lawyers), live sworn testimony, sworn signed prima facie documentation, or all of these.

(3) *Respondent's plea.* In the event that the county has met its initial burdens of notice and evidence of its claim or of a violation, the respondent or the respondent's representative shall be asked to enter a plea of "admit-liable" or "deny-not liable".

(4) *Presentation of the respondent's case and defense.* The defenses available to the respondent and the manner in which they may be presented are governed by the ordinance particular to the subject matter or violation in question. In general, evidence may be presented via live sworn testimony, admissible documents, admissible exhibits, or other admissible evidence.

(5) *Questions by the Hearing Officer.* The Hearing Officer may ask questions of the parties and witnesses, if necessary, to ensure the clarity and completeness of the testimony and record.

(6) *Constitutional challenges.* The Code Hearing Unit is not empowered to pass upon the constitutionality of a statute, ordinance, rule, regulation, or other legislative or administrative action. (See *Yellow Cab Co. v. City of Chicago*, 938 F. Supp. 500 (1996).) Parties may, however, make an objection, without argument, to the constitutionality of a statute, ordinance, rule, regulation, or other legislative or administrative action for the record.

(7) *Closing arguments.* Each party may be afforded an opportunity to make closing arguments.

(8) *Ruling.* At the conclusion of the hearing, the Hearing Officer shall make a determination on basis of the evidence presented at the hearing as to whether a violation exists or does not exist. The determination shall be recorded in the form of a written order. The manner and content of the order are governed by the ordinance particular to the subject matter or violation in question. The manner of serving a copy of the order on the parties is also governed by the ordinance particular to the subject matter or violation in question.

(S) *Interpreters.* The respondent is responsible for supplying respondent's own interpreter to provide assistance during the hearing process. Interpreters shall be sworn-in and shall swear that the interpreter shall provide an accurate translation of the proceedings.

(T) *Reviewing or copying of public records.* The public records and public case files maintained by the Code Hearing Unit may be reviewed during normal business hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.) in the County Board Office. No records or file items may be removed from the premises absent court order. The Code Hearing Unit reserves the right to require that requests be made in writing and that extensive or multiple requests be made by appointment. Copies of public records and public files may be requested through the Freedom of Information Act, being 5 ILCS 140/1 et seq. The Code Hearing Unit reserves the right to require that requests be made in writing. Fees for processing requests shall be as follows: \$0.20 per side of a page and \$1 per certified order or other certified documents.

(Prior Code, 1 TCC 6-25)

§ 34.99 PENALTY.

Any person, having received notice and an opportunity for a hearing as provided in this code, who knowingly fails to comply with an order issued by a Hearing Officer under this chapter, including the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine not less than \$200 nor more than \$500 for each offense. Each day that the violation continues shall be considered a separate and distinct offense. In a prosecution under this section, it shall not be a defense that a person came into compliance with an order, sought judicial review of it, or made efforts to comply with an order subsequent to its effective date.

(Prior Code, 1 TCC 6-20)

TITLE V: PUBLIC WORKS

[Reserved]

TITLE VII: TRAFFIC CODE

[Reserved]