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ARTICLE I. IN GENERAL

Secs. 2-1—2-30. Reserved.

ARTICLE II. BOARD OF TRUSTEES

DIVISION 1. GENERALLY

Sec. 2-31. Government of village.

The village shall be governed by a board of trustees which shall be elected at large and shall consist of a president and six trustees.
(Code 1977, § 2.01)

Sec. 2-32. Elections and terms of village board.

(a) The term of office of the trustees shall be four years and until their successors are elected and have qualified. After the first election, three trustees shall be elected by the electors of the village for a four-year term at the regular village election held on the first Tuesday in April of each odd numbered year, as provided by statute.

(b) The term of office of the village president shall be four years. The village president shall be elected by the electors of the village at the regular village election held on the first Tuesday in April 1973 and each fourth year thereafter.

(c) Vacancies in the offices of trustee or village president shall be filled as prescribed by 65 ILCS 5/3.1-10-50.
(Code 1977, § 2.02)

Sec. 2-33. Meetings.

(a) *Regular meeting.* Regular meetings of the president and board of trustees of the village shall be held on the first and third Mondays of each month at 7:30 p.m. at Gurnee Village Hall, 325 N. O'Plaine Road, Gurnee, Illinois. Any regular meeting falling upon a national holiday shall be held on the next following Monday at the same hour and place, and shall take the place of the previously scheduled committee-of-the whole meeting.

(b) *Committee-of-the-whole meetings.* Committee-of-the-whole meetings shall be held on the fourth Mondays of each month at 7:30 p.m. at

Gurnee Village Hall, 325 N. O'Plaine Road, Gurnee, Illinois. on the second and fourth Mondays of each month at 7:30 p.m. at Gurnee Village Hall, 325 N. O'Plaine Road, Gurnee, Illinois. Any committee-of-the-whole meeting falling upon a national holiday shall be held on the next following Monday at the same hour and place, so long as a regular meeting has not been previously scheduled.

(c) *Special meetings.* Special meetings may be called by the president or any three members of the board of trustees by written request or notice being filed with the village clerk in accordance with 5 ILCS 120/1 et seq. The clerk shall cause an affidavit showing service of such notice as herein provided to be filed in his office prior to the time fixed for such special meeting; together with a statement of compliance with the notices to members of the media as provided in 5 ILCS 120/1 et seq. Any special meeting attended by all of the members of the board of trustees shall be a regular meeting for the transaction of any business that may come before such meeting if all members are present and so agree. All meetings of the board of trustees shall be held in the village municipal building, including special and adjourned meetings, and all meetings, except executive sessions of the board of trustees, shall be open to the public, as is required by statute. Regular or special meetings may be held at other locations upon serving of proper notice.

(d) *Presiding officer.* The president shall not vote on any ordinance, resolution, or motion except the following:

- (1) Where the vote of the trustees has resulted in a tie;
- (2) Where one-half of the trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or
- (3) Where a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.

(e) *Convening meeting.* Each meeting of the board of trustees shall convene at the time appointed for such meeting, as provided by ordinance. The village clerk, or someone appointed to

fill his place by the presiding officer, shall thereupon immediately call the roll of members. If no quorum be present, the board of trustees shall not thereby stand adjourned, but the members present shall be competent to adjourn or recess the board by majority vote. If no quorum is present and the members present desire to compel the attendance of the absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees. (Code 1977, § 2.03(a)—(e); Ord. No. 98-81, § 1, 7-20-1998; Ord. No. 98-153, § 1, 12-21-1998)

Sec. 2-34. President pro tem; temporary chairman.

(a) If the president is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as president pro tem. The president pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the president but shall not be entitled to vote both as president pro tem and as alderman or trustee.

(b) In the absence of the president, acting president, or president pro tem, the corporate authorities may elect one of their members to act as a temporary chairman. The temporary chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as trustee on any ordinance, resolution, or motion. (Code 1977, § 2.03(d); Ord. No. 98-81, § 1, 7-20-1998)

Sec. 2-35. Quorum.

A majority of the trustees or three trustees and the village president shall constitute a quorum to do business at any meeting of the board of trustees. (Code 1977, § 2.04)

Secs. 2-36—2-50. Reserved.

DIVISION 2. RULES OF ORDER

Sec. 2-51. Generally.

The rules in this division shall govern meetings of the board of trustees. (Code 1977, § 2.05)

Sec. 2-52. Order of business.

The first order of business shall be the approval of the minutes of the preceding meeting. All other matters shall be taken up in the order in which they appear on the agenda prepared by the village administrator. Provided, however, that at the request of the president or any trustee any topic on the agenda may, with the consent of the board of trustees, be considered at any time. (Code 1977, § 2.05(a))

Sec. 2-53. Duties of the presiding officer.

(a) The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order subject to appeal. If the presiding officer refuses to allow the trustees to exercise their right to appeal a decision of the chair, the trustees may consider and pass upon the matter in spite of the chair's failure to grant them an appeal.

(b) In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared. (Code 1977, § 2.05(b))

Sec. 2-54. Visitors.

Except during the time allotted for public discussion and comment, no person, other than a member of the board shall address that body, except with the consent of a majority of the board of trustees present. (Code 1977, § 2.05(c))

Sec. 2-55. Presentation of new business and deferment.

When a member wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the clerk who shall read such matter when

reached in its proper order. Upon the request of any two trustees present, any report of a committee of the board of trustees shall be deferred, for final action thereon, to the next regular meeting of the board of trustees after the report is made. (Code 1977, § 2.05(d))

Sec. 2-56. Debate.

(a) No member of the board of trustees shall speak more than once on the same question, except by unanimous consent, and then not until every other member of the board of trustees desiring to speak shall have had an opportunity to do so; provided however, that the proponent of the matter under consideration or the chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member of the board of trustees shall speak longer than ten minutes at any one time, except by consent of the board; and in closing debate on any question, as above provided, the speaker shall be limited to five minutes, except by special consent of the board of trustees.

(b) While a member of the board of trustees is speaking no member shall hold any private discussion, nor pass between the speaker and the chair. (Code 1977, § 2.05(e))

Sec. 2-57. Call of member to order.

A member of the board of trustees, when called to order by the chair, shall thereupon discontinue speaking and take his seat and the order of ruling of the chair shall be binding and conclusive, subject only to the right of appeal. (Code 1977, § 2.05(f))

Sec. 2-58. Appeals from decisions of the chair.

Any member may appeal to the board of trustees from a ruling of the chair, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal, and the chair may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The chair shall then put the question, "Shall the

decision of the chair be sustained?" If a majority of the members present vote no, the decision of the chair shall be overruled; otherwise, it shall be sustained.

(Code 1977, § 2.05(g))

Sec. 2-59. Voting.

Every member of the board of trustees who shall be present when a question is stated from the chair shall vote thereon, unless excused by the board, or unless he is personally interested in the question, in which cases he shall not vote. (Code 1977, § 2.05(h))

Sec. 2-60. Seconding of motions required; written motions; reading of motions, resolutions, ordinances, minutes and correspondence.

No motion shall be put or debated in the board of trustees or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate. The reading of any motion, resolution or ordinance may be waived as may the reading of the minutes of a previous meeting.

(Code 1977, § 2.05(i))

Sec. 2-61. Withdrawal of motions.

After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the board of trustees but it may be withdrawn at any time before decision, by consent of the board.

(Code 1977, § 2.05(j))

Sec. 2-62. Record of motions.

In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the resolution or motion shall be entered.

(Code 1977, § 2.05(k))

Sec. 2-63. Taking and entering the votes; explanation of votes.

The yeas and nays upon any question shall be taken and entered in the journal. When the clerk has commenced the call of the roll of the board for

the taking of a vote by yeas and nays, all debate on the question before the board shall be deemed concluded, and during the taking of the vote a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the clerk by answering yea or nay as the case may be.

(Code 1977, § 2.05(l))

Sec. 2-64. Publication.

All ordinances imposing any penalty for a violation thereof, or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form in which case, the ordinance in its pamphlet shall be displayed for a reasonable period in a public place in the municipal building.

(Code 1977, § 2.05(m))

Sec. 2-65. Time of taking effect.

Ordinance adopted by the village board shall take effect in accordance with 65 ILCS 5/1-2-4.

(Code 1977, § 2.05(n))

Sec. 2-66. Adoption of Roberts Rules of Order Revised.

The rules of parliamentary practice comprised in Roberts Rules of Order Revised, 1991, Ninth Revised Edition, shall govern the board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the board or the statutes or laws of the state.

(Code 1977, § 2.05(o))

Sec. 2-67. Temporary suspension of rules; amendment of rules.

These rules may be temporarily suspended by a vote of two-thirds of all the trustees entitled by law to be elected, and shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the trustees entitled by law to be elected.

(Code 1977, § 2.05(p))

Sec. 2-68. Committees.

(a) Committees of the board of trustees may be created from time to time. Committees shall consist of three members including the chairman, unless the board of trustees otherwise directs. All committees shall be appointed by the village president and approved by the board of trustees.

(b) The village president, with the approval of the board of trustees may appoint standing committee chairmen at the organizational meeting in May, who will function as chairmen of their respective committees when established.

(Code 1977, § 2.06)

Sec. 2-69. Omnibus vote.

In addition to the voting requirements set forth above, the president and board of trustees at any meeting may, by unanimous consent of the president and all trustees present, agree to take a single vote by "ayes" and "nays" on several questions of the passage of any two or more orders, ordinances, resolutions, proclamations or motions placed together for voting purposes in a single group, and designated for such purposes on the agenda of the board as "omnibus vote agenda" matters. In such event, the "ayes" and "nays" on the omnibus vote agenda matters shall be entered in the journal under the designation "omnibus vote" and the "ayes" and "nays" on the omnibus vote agenda matters shall be entered in the journal as "ayes" and "nays" for each such order, ordinance, resolution, proclamation or motion included in the roll call on the omnibus vote agenda, or, in lieu thereof, the words "omnibus vote" shall be entered in the journal in each such case; provided, however, that by request prior to the announcement of the vote on the omnibus vote agenda, the president or any member may have his vote on any specific item recorded as "nay" or "abstain" or "excused" notwithstanding his vote of "aye" on the omnibus vote agenda. The question of the passage or failure of each order, ordinance, resolution, proclamation or motion on the omnibus vote agenda shall be determined individually by the votes so recorded.

(Ord. No. 2001-11, § 1(2.05(q)), 2-5-01)

Secs. 2-70—2-90. Reserved.

**ARTICLE III. OFFICERS AND
EMPLOYEES***

DIVISION 1. GENERALLY

Sec. 2-91. Appointments.

The village president by and with the consent of the board of trustees shall make appointments to fill all appointive offices.

(Code 1977, § 3.19(a))

Sec. 2-92. Terms of office; vacancies.

Every appointive officer of the village shall hold office for a term of one year or until his successor is appointed and qualified unless it is otherwise provided by provision of this Code.

(Code 1977, § 3.19(b))

Sec. 2-93. Assignment of duties.

The president shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific of-

***Cross references**—Any ordinance prescribing the number, classification or compensation of any village officers or employees, not inconsistent herewith saved from repeal, § 1-19(a)(13); building commissioner, § 18-46 et seq.; fire chief, § 34-62; chief of police, § 42-32; plat officer, § 70-51 et seq.

ficer and shall determine disputes or questions relating to the respective powers or duties of officers.

(Code 1977, § 3.19(c))

Sec. 2-94. Records.

All records kept by any officer of the village shall be open to inspection by the president, or any member of the board, at all times, whether or not such records are required to be kept by statute or provision of this Code.

(Code 1977, § 3.19(d))

Sec. 2-95. Moneys received.

Every officer of the village shall on a weekly basis turn over all moneys received by him in his official capacity to the treasurer with a statement which shows the source from which the money was received.

(Code 1977, § 3.19(e))

Sec. 2-96. Oath.

Every officer of the village shall, before entering upon his duties, take the oath prescribed by law.

(Code 1977, § 3.19(f))

Sec. 2-97. Bond.

Every officer of the village shall, if required by the board, before entering upon the duties of his office, give a bond in such amount as may be determined by the board and with such sureties as it may approve, conditioned upon the faithful performance of the duties of his office or position.

(Code 1977, § 3.19(g))

Sec. 2-98. Salaries.

All officers and employees of the village shall receive such salaries as may be provided from time to time by ordinance. No officer or employee receiving a salary from the village shall be entitled to retain any portion of any fees collected by him in the performance of his duties as municipal officer or employee in the absence of a specific ordinance provision to that effect.

(Code 1977, § 3.19(h))

Sec. 2-99. Termination of office.

Every officer of the village, upon the termination of his office, shall deliver to his successor all books and records which are the property of the village; and if no successor has been appointed within one week after the termination of office, such property shall be delivered either to the clerk or to the treasurer.

(Code 1977, § 3.19(i))

Sec. 2-100. Terms of elected officials.

The terms of elected municipal officials shall begin at the first regular or special meeting of the board of trustees in May, following the municipal election in April 1981 and each odd numbered year thereafter.

(Code 1977, § 3.20)

Secs. 2-101—2-115. Reserved.

DIVISION 2. PRESIDENT

Sec. 2-116. Election and term of office.

The president shall be the president of the board of trustees as provided by statute. The president may be referred to as mayor.

(Code 1977, § 3.01(a))

Sec. 2-117. Supervisory powers.

The president shall be the chief executive officer of the village and shall perform all such duties as may be required of him by statute or ordinance. The president shall have general supervision over all the executive officers of the village and over all of the employees of the village. The president shall have the power and authority to inspect all books and records kept by any village officer or employee at any reasonable time.

(Code 1977, § 3.01(b))

State law reference—Similar provisions, 65 ILCS 5/3.1-35-20.

Sec. 2-118. Designation of duties.

The president shall settle any question as to the respective powers or duties of any appointed officer or employee of the village in accordance with village policy manual. The president shall

have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty. (Code 1977, § 3.01(c))

Sec. 2-119. Bond and oath.

Before entering upon the duties of his office the president shall give a surety bond conditioned upon his faithful performance of his duties, in the sum of \$3,000.00. The president shall take the oath of office prescribed by statute, and shall receive such compensation as may be set from time to time by the board. (Ref. IMC 3-14-3) (Code 1977, § 3.01(d))

Sec. 2-120. Appointments.

The president shall appoint, by and with the advice and consent of the board of trustees, all officers whose appointment is not otherwise provided for by law; and whenever a vacancy occurs in any office, which by law or ordinance he is empowered and required to fill, he shall within 30 days after the happening of such vacancy, communicate to the board the name of his appointee to such office, and pending the concurrence of the board in such appointment, he may designate some suitable person to discharge the functions of such office. (Code 1977, § 3.01(e))

Sec. 2-121. Removal of officers.

The president shall have the power to remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the village demand such removal. The president shall report the reasons for such removal to the board at a meeting to be held not less than five days, nor more than ten days after such removal. If the president shall fail, or refuse to file with the clerk a statement of the reasons for such removal or if the board, by a two-thirds vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he

was removed, but he shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (Code 1977, § 3.01(f))

State law reference—Similar provisions, 65 ILCS 5/3.1-35-10.

Sec. 2-122. Licenses.

The president shall grant licenses for the purposes authorized by this Code to such persons as he may deem proper, unless the board shall otherwise provide, and he may revoke such license for cause. (Code 1977, § 3.01(g))

Sec. 2-123. Signature.

The president shall sign all commissions, permits and licenses granted by authority of the board, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature. (Code 1977, § 3.01(h))

Secs. 2-124—2-140. Reserved.

DIVISION 3. ADMINISTRATOR

Sec. 2-141. Creation of office.

There is hereby created the office of village administrator, an administrative office of the village. The village administrator shall be appointed by the village president, by and with the approval of the board of trustees. (Code 1977, § 3.05(a))

Sec. 2-142. Compensation.

The village administrator shall receive such compensation as shall be fixed from time to time by the village board of trustees. (Code 1977, § 3.05(b))

Sec. 2-143. Powers and duties.

The village administrator shall be the chief administrative officer of the village and he shall be responsible to the president and board of trustees for the proper administration of all af-

fairs, departments and offices of the village. The village administrator shall have the power and be required to:

- (1) Recommend to the president and the board of trustees the appointment of salaried or hired employees. The village administrator shall further recommend the removal or suspension of any salaried or hired employee when such removal or suspension shall be consistent with the best interest of the village. All such recommendations for appointment or removal shall be based upon merit and upon the qualifications or disqualifications of such employees and in accordance with the rules of the civil service commission.
- (2) Act as business manager for the village under the direction of the president and board of trustees. The village administrator shall coordinate and supervise administrative work, including: accounting practices, preparation of monthly financial reports; securing of annual audits by authorized certified public accountants; payment of approved salaries, wages, and bills; safekeeping of securities and valuable papers; preparation and use of authorized forms; collection and deposit with authorized depositories of all revenues; preparation of the budget and the annual appropriation and tax levy ordinances and scheduling of hearings relating thereto; filing of plats, ordinances, documents, and papers with the provision that appropriate documents be made conveniently available to the public; review and maintenance of authorized fidelity bonds and insurance; preparation and release of articles and information to keep the public informed of its village government; and informing the president and board of trustees of current federal and state legislation affecting the village.
- (3) Act as purchasing agent for the village.
- (4) Assist the president in the enforcement of the laws of the state and the ordinances of the village.
- (5) Take charge of and manage the village office and all other village buildings and properties not specifically assigned to other officers or agencies of the village for management.
- (6) Administer the employment and personnel policies of the village as approved by the president and board of trustees and in accordance with the rules governing the civil service commission; recruit, interview, and employ necessary personnel for the several village departments and offices with the concurrence of the department heads and as required pursuant to rules governing the civil service commission, where applicable.
- (7) Administer the participation of eligible village employees in the state municipal retirement fund, and in the hospitalization and medical care plans, and further to assist the police pension fund of the village.
- (8) Fix all salaries or wages of temporary village employees not fixed by the board of trustees or not required to be fixed by the board pursuant to ordinance.
- (9) Coordinate operations affecting more than one department, office, or officer of the village.
- (10) Consolidate or combine offices, positions, departments, or units under his jurisdiction, with the consent of the president and board of trustees. The village administrator may be the head of one or more departments.
- (11) Make, or cause to be made, monthly and annual reports to the president and board of trustees of activities of all departments under his jurisdiction.
- (12) Attend all meetings of the board of trustees or committees thereof, unless excused therefrom by the board of trustees. The village administrator shall be entitled to notice of all meetings, regular and special, of the board of trustees and shall have the

privilege of taking part in the discussion of all matters coming before the board of trustees.

- (13) Supply such information and recommend such measures to the president and board of trustees as may be deemed advantageous to the village.
- (14) Meet the public in behalf of the president and board of trustees; receive suggestions; hear and investigate complaints in relation to all matters concerning the administration of the government of the village and in regard to services rendered by the public utilities in the village, and see that all franchises, permits, and privileges granted by the village are faithfully observed.
- (15) Attend all meetings of the zoning board of appeals, plan commission and board of local improvements and assist in the administration of the boards and commission.
- (16) Inform succeeding presidents and boards of trustees of the general principles of administrative programs and policies of previous administrations so that a continuity of programs and policies may be possible.
- (17) Perform such other duties, as may be assigned by the board of trustees, the ordinances of the village, and the laws of the state or as the president and board of trustees may direct or delegate from time to time.

(Code 1977, § 3.05(c))

Sec. 2-144. Bond.

The administrator/treasurer's bond shall be in an amount of dollars that is not less than three times the latest federal census population or any subsequent census figure used for motor fuel tax purposes.

(Code 1977, § 3.05(d))

State law reference—Treasurer's bond, 65 ILCS 5/3.1-10-30.

Secs. 2-145—2-160. Reserved.

DIVISION 4. CLERK

Sec. 2-161. Election and term.

The village clerk shall be elected and serve for a four-year term and until his successor is elected and qualified, as provided by statute.

(Code 1977, § 3.02(a))

Sec. 2-162. Oath, bond.

The clerk or deputy before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall execute a bond to the village in the penal sum of \$3,000.00 or such amount as may be fixed by resolution, with sureties as shall be approved by the president and board of trustees, conditioned for the faithful performance of the duties of his office, and the payment of all moneys that may be received by him, according to law and ordinance. The bond shall be filed with the treasurer.

(Code 1977, § 3.02(b))

Sec. 2-163. Office.

The clerk shall keep his office in the municipal building or at such other place as the board of trustees may direct.

(Code 1977, § 3.02(c))

Sec. 2-164. Minutes; notices.

The clerk shall attend all meetings of the board of trustees, and shall keep in a suitable book a full and faithful record of its proceedings. The clerk shall issue and cause to be served upon all trustees notices of all special meetings of the board; also notices to the members of the different committees of the board; and to all other persons whose attendance may be required before any such committee when so directed by the chairman thereof.

(Code 1977, § 3.02(d))

Sec. 2-165. Custody of seal and records.

The clerk shall be the keeper and custodian of the corporate seal of the village. The clerk shall carefully preserve in his office all books, records, papers, maps and effects of every description belonging to the village or pertaining to his office,

and not in actual use and possession of other village officers. Upon the expiration of his official term he shall deliver all such records, books, papers and effects to his successor in office. (Code 1977, § 3.02(e))

Sec. 2-166. Record of ordinances.

The clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the board, within five days after passage and approval by the president, and at the foot of each ordinance so recorded, he shall make a memorandum showing dates of passage. (Code 1977, § 3.02(f))

State law reference—Similar provisions, 65 ILCS 5/1-2-5.

Sec. 2-167. Delivery of papers to officers.

The clerk shall, without delay, upon the adjournment of each meeting of the board, deliver to the several committees of the board, and to the officers of the village, all petitions, communications, reports, resolutions, orders, claims and other papers referred to those committees or officers by the board. The clerk shall also, without delay, deliver to the president all ordinances or resolutions in his charge, which are required to be approved or otherwise acted upon by the president. (Code 1977, § 3.02(g))

Sec. 2-168. Preparation of documents.

The clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under the laws and ordinances of the village and shall attest such documents with the corporate seal; and he shall in like manner attest all deeds for the sale or transfer of real estate owned by the village and all bonds issued by the village. (Code 1977, § 3.02(h))

Sec. 2-169. Record of licenses.

The clerk shall number in numerical order all licenses made out by him, and before delivery thereof, shall register them in like order in a book kept for that purpose, giving number, date, period of time for which issued, to whom issued, for what

purpose, fee, and definite location of business of licensee. The clerk shall also prior to May 1 of each year prepare and mail notices for renewal of licenses and payment of fees to the village to all persons engaged in or carrying on a business or occupation required to be licensed by this Code. (Code 1977, § 3.02(i))

Sec. 2-170. Bookkeeping.

The clerk shall keep a double entry set of books for the various funds of the village. The clerk shall, at the end of each month, prepare a statement or report showing receipts and disbursements of the various funds held by the treasurer, and shall also report expenditures and balances of appropriations as set up in appropriate ordinances. Such reports shall be presented at the first meeting in each month. At the end of the fiscal year an annual report shall be prepared and presented showing each fund in detail relative to receipts and disbursements for the year in such manner as to be self-explanatory to the board of trustees. (Code 1977, § 3.02(j))

Sec. 2-171. Moneys received.

The clerk shall receive all moneys due to the village, except tax, special improvement assessments and motor fuel tax refunds, which are paid direct to the treasurer. (Code 1977, § 3.02(k))

Sec. 2-172. Other duties.

In addition to the duties set forth in this division, the clerk shall perform all other duties pertaining to his office as are and may be imposed upon him by law or resolution of the board of trustees. (Code 1977, § 3.02(l))

Sec. 2-173. Deputy village clerk.

The clerk with the advice and consent of the board of trustees may appoint one or more persons to serve as deputy village clerk. A deputy clerk need not be a resident of the village. (Ord. No. 2006-13, § I, 2-13-2006)

Sec. 2-174. Duties of deputy village clerk.

A deputy village clerk may perform all of the duties and responsibilities of the village clerk at such time or times when the village clerk is absent from his/her office in the village hall. A deputy village clerk may execute all documents required by law to be executed by the village clerk and may affix the seal of the village clerk wherever required. When signing any document, the deputy village clerk shall sign the name of the village clerk followed with the word "by" and the deputy clerk's own name and the words "deputy clerk". A deputy clerk shall have such further power and authority as may be provided by statute.

(Ord. No. 2006-13, § I, 2-13-2006)

Secs. 2-175—2-190. Reserved.

DIVISION 5. TREASURER

Sec. 2-191. Office created.

There is hereby created the office of treasurer of the village.

(Code 1977, § 3.03(a))

Sec. 2-192. Appointment.

The president, at the first regular meeting in the month of May of each year, shall appoint, by and with the advice and consent of the board of trustees, some competent citizen of the village as treasurer for the ensuing fiscal year.

(Code 1977, § 3.03(b))

Sec. 2-193. Oath and bond.

The treasurer, before entering upon the duties of the office, shall take the oath prescribed by law, and shall execute a surety bond to the village, in a penal sum required by statute.

(Code 1977, § 3.03(c))

Sec. 2-194. Duties generally.

(a) The village treasurer shall receive all money belonging to the village and shall keep the treasurer's books and accounts in the manner prescribed by this division or other ordinances of

the village. These books and accounts shall always be subject to the inspection of any member of the corporate authorities.

(b) The treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging to the fund or appropriation.

(c) The treasurer shall give every person paying money into the treasury a receipt, specifying the date of payment and upon what account paid. The treasurer shall file copies of these receipts with the clerk, with the treasurer's monthly reports. If the treasurer has possession of money properly appropriated to the payment of any warrant lawfully drawn upon the treasurer, the treasurer shall pay the money specified in the warrant to the person designated by the warrant. (Code 1977, § 3.03(d))

Sec. 2-195. Reports.

At the end of every month, and oftener if required by the corporate authorities, the village treasurer shall render an account under oath to the corporate authorities, or to an officer designated by ordinance, showing the state of the treasury at the date of the account and the balance of money in the treasury. The treasurer shall accompany the account with a statement of all money received into the treasury and on what account, together with all warrants redeemed and paid by the treasurer. On the day the treasurer renders an account, these warrants, with all vouchers held by the treasurer, shall be delivered to the village clerk and filed, together with the account, in the clerk's office. The clerk shall keep the report on file in his office for the inspection of the general public. All paid warrants shall be marked "paid." The treasurer shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid.

(Code 1977, § 3.03(e), (h))

State law reference—Similar provisions, 65 ILCS 5/3.1-35-45.

Sec. 2-196. Personal use of funds.

The municipal treasurer shall keep all money belonging to the municipality and in the treasurer's

custody separate and distinct from the treasurer's own money and shall not use, either directly or indirectly, the municipality's money or warrants for the personal use and benefit of the treasurer or of any other person. Any violation of this provision shall subject the treasurer to immediate removal from office by the corporate authorities, who may declare the treasurer's office vacant and appoint a successor for the unexpired portion of the term in the manner prescribed for regular appointment.

(Code 1977, § 3.03(g))

State law reference—Similar provisions, 65 ILCS 5/3.1-35-55.

Sec. 2-197. Report of receipts and expenditures.

The municipal treasurer shall report to the corporate authorities, between May 1 and May 31 of each year, or as often as they require, a full and detailed account of all receipts and expenditures of the village, as shown by the treasurer's books, during the preceding fiscal year or up to the time of the report.

(Code 1977, § 3.03(h))

State law reference—Similar provisions, 65 ILCS 5/3.1-35-60.

Sec. 2-198. Annual accounts.

(a) Within six months after the end of each fiscal year, the treasurer shall annually prepare and file with the clerk of the village an account of moneys received and expenditures incurred during the preceding fiscal year as specified in this division. The treasurer shall show in the account:

- (1) All moneys received by the village, indicating the total amounts, in the aggregate, received in each account of the village, with a general statement concerning the source of receipts. In this paragraph, the term "account" does not mean each individual taxpayer, householder, licensee, utility user, or other persons whose payments to the village are credited to a general account.
- (2) Except as provided in subsection (a)(3) of this section, all moneys paid out by the village where the total amount paid during the fiscal year exceeds \$2,500.00 in the aggregate, giving the name of each person to whom moneys were paid and the total paid to each person.
- (3) All moneys paid out by the village as compensation for personal services, giving the name of each person to whom moneys were paid and the total amount paid to each person from each account.
- (4) A summary statement of operations for all funds and account groups of the village, as excerpted from the annual financial report as filed with the appropriate state agency.

(b) Upon receipt of the account from the village treasurer, the village clerk shall publish the account at least once in one or more newspapers published in the village or, if no newspaper is published in the village, then in one or more newspapers having a general circulation within the village.

State law reference—Similar provisions, 65 ILCS 5/3.1-35-65.

Sec. 2-199. Delinquent officers.

The treasurer shall report to the president and board of trustees any officer authorized to receive

money for the use of the village who fails to make a return of the moneys received by him at the time required by law or ordinance.

(Code 1977, § 3.03(i))

Sec. 2-200. Accounts.

The treasurer shall keep his books and accounts in such manner as to show with accuracy all moneys received and disbursed by him for the village, stating from whom and on what account received, and to whom and what account paid out, and in such way that the books and accounts may be readily investigated and understood. Such books and accounts and all files and papers of his office shall be at all times open to examination by the president or board of trustees.

(Code 1977, § 3.03(j))

Secs. 2-201—2-215. Reserved.

DIVISION 6. ATTORNEY

Sec. 2-216. Appointment.

A village attorney shall be appointed by the president, by and with the consent of the board of trustees.

(Code 1977, § 3.04(a))

Sec. 2-217. Qualifications.

No person shall be appointed village attorney who is not a bona fide resident and voter of the county and the state. The village attorney need not be a resident of the village, but shall be a regularly licensed attorney of this state.

(Code 1977, § 3.04(b))

Sec. 2-218. General duties.

The village attorney shall, on behalf of the village, when so requested by the president or the board of trustees, prosecute or defend in court all cases in which the interests of the village or officers thereof are involved. The village attorney shall be furnished and supplied by the clerk with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceeding.

(Code 1977, § 3.04(c))

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Sec. 2-219. Drafts of orders.

The village attorney shall draft all such ordinances, resolutions, contracts, agreements and other papers as may be required of him by the president, the board of trustees, or any committees thereof. The village attorney shall be charged with the preparation of all ordinances pertaining to local improvements, petitions and other legal papers pertaining thereto.
(Code 1977, § 3.04(d))

Sec. 2-220. Contracts and deeds.

The village attorney shall draw all deeds, leases, contracts or other papers required by the business of the village when requested so to do by the president, the board of trustees or the head of any department of the village government.
(Code 1977, § 3.04(e))

Sec. 2-221. Legal opinions.

The village attorney shall when requested so to do furnish written opinions upon subjects transmitted to him by the president or upon a vote of the board of trustees.
(Code 1977, § 3.04(f))

Sec. 2-222. Compensation.

The village attorney shall be paid such compensation as is determined by the board of trustees. For work other than attendance at regular village board meetings the village attorney shall be paid over and above his stated salary such compensation as may be agreed upon between himself and the board of trustees.
(Code 1977, § 3.04(g))

Sec. 2-223. Additional counsel.

The board of trustees may employ other counsel from time to time.
(Code 1977, § 3.04(h))

Secs. 2-224—2-240. Reserved.

DIVISION 7. ENGINEER

Sec. 2-241. Created.

There is hereby created the office of village engineer an administrative office of the village. The village engineer shall be appointed by the village president, by and with the consent of the board of trustees.
(Code 1977, § 3.08(a))

Sec. 2-242. Powers and duties.

The village engineer shall be responsible for the planning, engineering and construction of all sewer and water systems, streets, lighting systems, storm drainage and retention, parking facilities or other construction projects of the village. The village engineer shall serve as plat officer of the village and as such be responsible for administering the subdivision control ordinances. The village engineer shall perform such other duties as prescribed by the president and board of trustees.
(Code 1977, § 3.08(b))

Sec. 2-243. Prerequisite.

The village engineer shall be a competent civil engineer, registered or licensed as a professional engineer by the state.
(Code 1977, § 3.08(c))

Secs. 2-244—2-260. Reserved.

**DIVISION 8. MUNICIPAL RETIREMENT
FUND**

Sec. 2-261. Illinois municipal retirement fund.

The village elects to participate in the Illinois Municipal Retirement Fund, effective January 1, 1960.
(Code 1977, § 3.17)

Secs. 2-262—2-280. Reserved.

DIVISION 9. ETHICS*

Sec. 2-281. Purpose.

It is the goal of the village to guarantee fair, efficient, and honest government and to ensure the integrity and objectivity of its officers and employees. The purpose of this division is to implement regulations and procedures that are to be followed in conducting the business of the village.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-282. Definitions.

For purposes of this division, the following terms shall be given these definitions:

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

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

Collective bargaining has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

Compensated time means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work

***Editor's note**—Section III of Ord. No. 2005-97, adopted Nov. 7, 2005, repealed div. 9, which consisted of §§ 2-281—2-287. Section I of said ordinance enacted new provisions to be designated as §§ 2-281—2-295. Former div. 9 pertained to similar subject matter and derived from Ord. No. 96-126, adopted Oct. 28, 1996; and Ord. No. 2003-78, adopted Oct. 13, 2003.

time requirement imposed as a condition of his or her employment and sick days, but for purposes of this division, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

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

Contribution has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

Employee means a person employed by the Village of Gurnee, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

Employer means the Village of Gurnee.

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

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

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

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

Political organization means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or a county clerk under section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the state board of elections or a county clerk.

Prohibited political activity means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office, or on behalf of a political organization, for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Prohibited source means any person or entity who:

- (1) Is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) Does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

- (3) Conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-283. Prohibited political activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the village in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, sick days, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this division.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration appli-

cable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-284. Gift ban.

Except as permitted by this article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-285. Exceptions.

Section 2-284 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the election code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and includ-

ing the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancee.

- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:
 - a. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - b. Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - c. Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments not exceeding \$50.00 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee) if the benefits have not been offered or enhanced because of the official

position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

- (10) Intragovernmental and intergovernmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

Each of the exceptions listed in this section is mutually exclusive and independent of every other. (Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-286. Disposition of gifts.

An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this division if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-287. Conflict of interest.

No officer or employee shall engage in any business or transaction or shall have a financial interest, direct or indirect, as is described in this section.

- (a) [*Financial interest.*] No officer or employee shall participate in, vote upon, or otherwise act on any matter in which that person is directly or indirectly financially interested. For purposes of this subparagraph, a person shall be deemed to be financially interested in any contract, grant, appropriation, or legislative enact-

ment that is made with, to, or for the benefit of that person, to any firm, partnership, association, corporation, or cooperative association as to which the person is a board member, director, or officer. No conflict shall be deemed to exist under this subparagraph as to any legislative enactments that affect the officer only to the extent that members of the general public are affected.

- (b) [*Conflict of interest.*] No officer or employee shall participate in, vote upon, or otherwise act on any matter in which that person has a conflict of interest as defined under the provisions of the Public Officer Prohibited Activities Act (50 ILCS 105/1, et seq.).
- (c) *Disclosure of confidential information.* No public official or employee with respect to any transaction which is or which is reasonably expected to become the subject of an official act or action, shall without proper legal authorization, disclose confidential information concerning the property, government or affairs of the village or use such information to advance the interest of such public official or employee or a family member.
- (d) *Appearance before village boards.* No public official or employee and no member of any agency, board, committee or commission on any matter within the jurisdiction of such agency, board, committee or commission shall appear on behalf of any private person or business entity, other than himself or a family member before any village agency, board, committee or commission; provided, however, that a member of an agency, board committee or commission may appear on behalf of or provide testimony in support of an applicant, not a family member, but such representations or appearances shall be limited to no more than two times in a single calendar year.
- (e) *Incompatible employment.* No public officer or employee shall engage in or accept private employment or render services for

private interests when such employment or services creates a conflict with or impairs the proper discharge of official duties.

- (f) *Private use of public property.* No public official or employee shall request or permit the use of village-owned vehicles, equipment, materials or property for personal convenience or profit except as otherwise allowed by rules and regulations of the village.
 - (g) *Special treatment of others.* No public official or employee in exchange for a gift, favor, service or thing of value shall grant any special consideration, treatment or advantage to any person or business entity beyond that which is available to every other citizen.
 - (h) *Disclosure of interest.* Any officer or employee who has, or whose family members have, an interest in a transaction which is the subject of an official act or action shall disclose on the record of the board or commission which performs such official act or to the village administrator, in the case of employees, the nature and extent of such interest and shall not participate in any official act or action regarding that transaction.
- (Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-288. Composition of ethics commission.

An ethics commission is hereby established which:

- (a) Shall be composed of three members appointed by the president with the advice and consent of the board of trustees and will take into account the availability of licensed attorneys residing within the village to serve on the commission. The commission shall have a chairman who shall be appointed by the president.
- (b) Each member of the commission shall:
 - (1) Reside within the corporate boundaries of the village;
 - (2) Not be an employee of the village;

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- (3) Not hold elected public office within the village;
 - (4) Have no financial interest in any work or business conducted by the village;
 - (5) Not take an active part in managing the political campaign of a candidate for village office;
 - (6) Not be convicted of any felony or any crime involving moral turpitude;
 - (7) Not be related, either by blood or by marriage up to the degree of first cousin, to any elected official of the village.
- (c) The members of the commission shall be appointed for a term of three years and hold office until their successors have been appointed. The initial appointment of the members shall be as follows: one member for three years; one member for two years; and one member for one year. Each member shall before entering upon his duties take an oath of office.
- (d) Any member of the commission may be removed by the president, with the advice and consent of the board of trustees, for incompetence, substantial neglect of duty, gross misconduct, malfeasance in office, or violation of any law, after written notice, stating the grounds for removal.
- (e) Commission members shall receive no compensation for their services.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-289. Powers and duties of ethics commission.

The commission shall have the following powers and duties:

- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with sections 2-283

and 2-287 of this division and refer violations of sections 2-283, 2-284 and 2-287 of this division to the appropriate attorney for prosecution. The commission shall, however, act only upon the receipt of a written complaint alleging a violation of this division and not upon its own prerogative.

- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this division.
- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the village to cooperate with the commission during the course of its investigations. Failure or refusal to cooperate with requests by the commission shall constitute grounds for discipline.
- (5) The powers and duties of the commission are limited to matters clearly within the purview of this division.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-290. Attorney for ethics commission.

The president, with the advice and consent of the board of trustees, shall appoint an attorney to assist and advise the ethics commission. The attorney shall not:

- (1) Hold elected public office within the village or have any financial interest in any work or business conducted by the village;
- (2) Take an active part managing the political campaign of a candidate for village office; and
- (3) Be related either by blood or by marriage up to the degree of first cousin, to any elected official of the village.

The attorney for the commission shall be appointed for a term of one year and hold said position until his successor has been appointed. The attorney for the commission shall be compensated at a reasonable hourly rate determined by

the president prior to appointment. The president may remove the attorney for the commission, with or without cause, with the advice and consent of the board of trustees.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-291. Duties of attorney for ethics commission.

The attorney for the commission shall:

- (1) Provide guidance to the commission and assist the commission in the discharge of its duties;
- (2) Provide fair notice to each person entitled to notice in accordance with the procedures set forth in this division;
- (3) Assist and prepare records of proceedings and other written records including commission findings and decisions.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-292. Ethics advisor.

(a) The president shall designate an ethics advisor for the village.

(b) The ethics advisor shall provide guidance to the elected official, citizen appointees, and employees of the village concerning the interpretation of and compliance with the provisions of this division and state ethics laws.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-293. Ethics commission procedures.

(a) Complaints alleging a violation of this division shall be filed with the ethics commission. The complaint shall include the following information:

- (1) The complaint shall set forth the date or time period when the alleged violation occurred;
- (2) The complaint shall describe in detail the act or acts complained of and provide a list of witnesses to the act or acts;
- (3) The complaint shall contain the complainant's home address, business telephone number and personal telephone number; and

(4) The complaint shall be signed by the complainant and notarized;

(5) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

(b) Within three business days after the receipt of a complaint, the commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(c) Upon not less than 48 hours public notice, the commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this division, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The commission shall issue notice to the complainant and the respondent of the commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of section 2-284 of this division and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation, or if there is no determination of probable cause, then the commission shall send by certified

mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of section 2-283 of this division, then the commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the commission concerning the alleged violation.

(d) On the scheduled date and upon at least 48 hours public notice of the meeting, the commission shall conduct a hearing open to the public on the complaint and shall allow both parties the opportunity to present testimony and evidence.

(e) Within 30 days after the date of the hearing or any recessed hearing is concluded, the commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the executive officer or other officer having authority to discipline the officer or employee, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(f) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the commission shall render its decision as required under subsection (e) within seven days after the complaint is filed, and during the seven days preceding that election, the commission shall render such decision before the date of that election, if possible.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-294. Enforcement and penalties.

(a) The commission may impose disciplinary action and/or a fine against any person it determines to be in violation of this division and may issue a decision which prescribes one or more of the following courses of action:

- (1) A reprimand.
- (2) An order to cease and desist the offensive action.

(3) An order to return or refund of money or other items, or an amount of restitution for services.

(4) Imposition of a fine in an amount not to exceed \$5,000.00.

(b) A violation of section 2-283 of this division, shall be prosecuted as a criminal offense by an attorney for the village by filing in the circuit court any information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of sections 2-284 and 2-287 of this division may be prosecuted as a quasi-criminal offense by an attorney for the village, or, by the ethics commission through the designated administrative procedure created herein.

(c) A person who intentionally violates any provision of sections 2-284 and 2-287 of this division is subject to a fine in an amount not to exceed \$5,000.00.

(d) A person who intentionally violates any provision of section 2-283 of this division may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.00.

(e) Any person who intentionally makes a false report alleging a violation of any provision of this division to the ethics commission may be fined by the commission in an amount not to exceed \$2,500.00.

(f) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of section 2-283, 2-284 or 2-287 of this division is subject to discipline.

(Ord. No. 2005-97, § I, 11-7-2005)

Sec. 2-295. Review.

The decision of the ethics commission to dismiss a complaint is not subject to administrative review under the Illinois Code of Civil Procedure. The imposition by the ethics commission of any

disciplinary action, penalty or fine is a final decision and subject to administrative review pursuant to the Illinois Code of Civil Procedure. (Ord. No. 2005-97, § I, 11-7-2005)

Secs. 2-296—2-299. Reserved.

DIVISION 10. ADMINISTRATIVE HEARING PROCEDURES

Sec. 2-300. Purpose; established.

(a) *Purpose.* The purpose of this section is to provide for the fair and efficient enforcement of village ordinances as may be allowed by law and directed by ordinance, through an administrative adjudication of violations of village ordinances and establishing a schedule of fines and penalties, and authority and procedures for the collection of unpaid fines and penalties. Further, that Division 2.1 of Article 1 of the Illinois Municipal Code (65 ILCS 5/1-2.1) is hereby adopted.

(b) *Established.* There is hereby established an administrative division of the municipal government to be known as the "Village of Gurnee Administrative Hearing Division," which is vested with the power to enforce compliance with all municipal ordinances as from time to time may be authorized by the village board, except for any offense under the Illinois Vehicle Code (adopted by the Village of Gurnee under chapter 78 of this Code) that is a traffic regulation governing the movement of vehicles, and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code. The establishment of the Village of Gurnee Administrative Hearing Division does not preclude the Village of Gurnee from using any other method to enforce the ordinances of the village.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-301. Jurisdiction.

Matters subject to the administrative hearing division provided for by this title are charges of violation of any ordinance (alternatively, "Municipal Code" or "Code") of the Village of Gurnee so

long as the charge is not a moving traffic violation, and the relief sought is not a penalty of incarceration.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-302. Division administrator; powers and duties.

The village administrator or his/her designee shall be the division administrator. The division administrator's responsibilities shall include:

- (a) Operating and managing the administrative hearing system;
- (b) Promulgating rules and regulations for the conduct of administrative hearing proceedings.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-303. Administrative hearing officer.

(a) *Creation and qualifications.* The position of administrative hearing officer is hereby created. The administrative hearing officer shall be appointed by the mayor with the consent of the village board. The term of the administrative hearing officer shall be one year. The number of administrative hearing officer positions and compensation shall be approved by the village board. The administrative hearing officer shall be an attorney admitted to the practice of law in the State of Illinois with at least five years of active practice experience.

(b) *Powers.* The administrative hearing officer shall have all powers necessary to conduct fair and impartial hearings including, but not limited to, the power to:

- (1) Hold conferences for the settlement or simplification of the issues;
- (2) Administer oaths and affirmations;
- (3) Hear testimony;
- (4) Issue subpoenas;
- (5) Rule upon motions, objections, and the admissibility of evidence;
- (6) At the request of any party or on the administrative hearing officer's own mo-

tion, subpoena the attendance of relevant witnesses and the production of relevant books, records, or other information;

- (7) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- (8) Regulate the course of the hearing in accordance with this chapter, or other applicable law;
- (9) Issue a final order which includes findings of fact and conclusions of law;
- (10) Impose penalties and fines, not to exceed \$750.00 per violation per day, issue orders that are consistent with applicable code provisions and assess costs upon finding a party liable for the charged violation. In no event shall an administrative hearing officer have the authority to impose a penalty of imprisonment.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-304. Instituting administrative hearings.

All sworn police personnel, all community service officers, all village inspectors and fire prevention officers are hereby authorized to institute an administrative adjudication hearing by issuing a violation notice specifying the date, time and place of the violation, the ordinance or ordinances violated, and the identification and signature of the person issuing the violation notice. In addition, the notice shall include the date and location of the hearing, the legal authority and jurisdiction under which the hearing is to be held, and the penalties for failure to appear at the hearing. (Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-305. Subpoenas.

(a) *Issuance.* All subpoenas shall be issued only upon application and approval by the administrative hearing officer after a determination by the administrative hearing officer as to whether the requested testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is relevant to the case and relates to a contested issue in the case.

(b) *Content.* 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 the appearance of the witness and the production of the documents or other items described in the subpoena;
- (4) The time for the appearance of the witness and the production of the documents or other items described in the subpoena; and
- (5) The place for the appearance of the witness and the production of the documents or other items described in the subpoena.

(c) *Appearance.* In no event shall the date identified for the appearance of a witness or the production of documents or other items be less than seven days after service of the subpoena.

(d) *Contesting the subpoena.* Within three business days of being served with a subpoena issued in accordance with this chapter, the recipient of the subpoena may contest the order authorizing the issuance of the subpoena to the administrative hearing officer, setting forth in detail the recipient's objections to the subpoena. Upon receipt of the contest to the subpoena, the administrative hearing officer shall review the objections and, upon review, enter the appropriate order. (Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-306. Representation at hearings.

(a) *Village representation.* The case for the village may be presented by the village attorney or such other person designated by the village administrator or his designee.

(b) *Respondent representation.* The case for the respondent may be presented by the respondent or an agent or attorney of the respondent. An agent or attorney shall present a written authorization signed by the respondent giving the agent or attorney power to act and to bind the respondent to any orders entered by the administrative hearing officer. (Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-307. Conduct of hearings.

The administrative hearing officer shall conduct the hearings in an orderly manner and insist upon proper decorum by all persons present at the hearings. The intent of the hearings is to provide the village and the respondent a full and fair presentation of the issues.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-308. Testimony and evidence.

(a) *Testimony.* Hearsay testimony may be admitted by the administrative hearing officer in making his/her determination. The administrative hearing officer shall determine the weight, if any, to be given to the testimony.

(b) *Evidence.* The technical rules of evidence shall not apply. Relevant documents may be received into evidence without formal proof of authenticity. The administrative hearing officer shall determine the weight, if any, to be afforded documents received into evidence.

(c) *Transcript of proceedings.* Either party may request that the proceedings be taken and transcribed by a certified court reporter. The cost of the court reporter shall be borne by the party requesting the court reporter. The village may, at its cost, record the proceedings. If a recording is made, a respondent may obtain a transcript at respondent's cost.

(d) *Continuances.* All administrative law hearings shall be conducted on the date set for hearing. For good cause shown, a continuance may be granted at the discretion of the administrative hearing officer. The purpose of administrative hearings is to provide a prompt resolution of alleged code violations, and accordingly, the request for and the grant of, continuances shall be granted only for good cause shown.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-309. Orders.

The administrative hearing officer shall issue a written order specifying the ordinance violated, and the fine and other relief granted. The order shall also contain the following notice:

The fines and penalties contained in this order are a debt due and owing the Village of Gurnee

and said total of fines and penalties must be paid within 30 days of the date the order is issued by the administrative hearing officer.

Failure to pay any fine or penalty due and owing the village within the aforementioned time-period may result in the village's instituting an action in the circuit court of Lake County to recover said fines and penalties. In addition, the village may petition the Illinois Secretary of State for a suspension of respondent's driver's license for failure to pay fines and penalties totaling \$250.00 or greater under 625 ILCS 6-306.5.

(a) *Final orders.* The order of the administrative hearing officer becomes final 30 days following entry of the order, or 30 days from a denial of a timely-filed petition to set aside the hearing officer's decision, whichever occurs last.

(b) *Petition to set aside determination.* A petition to set aside the order of the administrative hearing officer must be filed within 30 days of entry of the administrative hearing officer's order. The petition shall be filed in the village administrator's office. The administrative hearing officer shall set a briefing schedule and hearing date. The grounds for the petition are limited to the following:

1. Lack of proper service;
2. The person not having been the owner or lessee of the property cited on the date the violation notice was issued;
3. The order is against the manifest weight of the evidence, or that new evidence unknown to and unavailable to a party on the date of the hearing will materially affect the order of the hearing officer; or
4. Excusable failure to appear at the hearing or request a new date for a hearing.

In the event the determination is set aside upon a showing of just cause, the administrator shall set a hearing on the merits for that violation at the earliest available date convenient to all parties.

(c) *Violations of orders.* Any person, having received notice and an opportunity for a hearing as provided in this chapter who knowingly fails to comply with an order issued by an administrative 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 to exceed \$250.00. 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.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-310. Fines.

All fines and other monies paid to the village in accordance with this section shall be remitted to the village and deposited in the appropriate village account as designated by the director of finance.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-311. Administrative hearing program procedures not exclusive.

Notwithstanding any other provisions of this chapter, the authority of the administrative hearing division to conduct administrative hearings in accordance with this chapter shall not preclude the village from seeking any remedies for code or ordinance violations through the use of any other administrative procedure or court proceeding.

Nothing in this section shall affect the jurisdiction of the liquor control commissioner, the plan commission, the zoning board of appeals, firefighters pension fund, police pension fund, the civil service commission, or any other commission or board established by Municipal Code of the Village of Gurnee.

(Ord. No. 2007-18, § I, 3-5-2007)

Sec. 2-312. Appeal.

Any party to an administrative hearing may appeal the order of the administrative hearing officer to the circuit court of Lake County within 30 days of the entry of the order. In the event that a party files a timely petition to set aside a hearing officer's ruling pursuant to subsection 2-309(b), a party may appeal the order within 30 days of a decision on a petition to set aside a hearing officer's order. Such appeal shall be limited to a review of the official record of proceedings of the administrative hearing. Only evidence found in the official record of proceedings may be considered on appeal.

(Ord. No. 2007-18, § I, 3-5-2007)

ARTICLE IV. DEPARTMENTS*

DIVISION 1. GENERALLY

Secs. 2-313—2-325. Reserved.

***Cross references**—Fire department, § 34-61 et seq.; police department, § 42-31 et seq.

DIVISION 2. PUBLIC WORKS

Sec. 2-326. Created.

There is hereby created a public works department of the village which shall consist of a director of public works and such other members as the board of trustees may from time to time prescribe.

(Code 1977, § 3.07(a))

Sec. 2-327. Director of public works.

The director of public works shall be appointed by the village president by and with the consent of the board of trustees. The director of public works shall be in charge of the public works department and all members thereof shall be subject to his orders. This is an administrative position of employment in the village with the following duties:

- (1) The director of public works shall be in charge of the construction and care of all public rights-of-way, public streets, alleys, and driveways in the village, and keeping the same clean.
- (2) The director of public works shall see to it that all gutters, ditches, culverts, and drains therein function properly and that such gutters, ditches, culverts, and drains are kept free from defects.
- (3) The director of public works shall supervise the lighting of the public streets and alleys, and shall keep the lighting system in efficient operation and good repair.
- (4) The director of public works shall have charge of the construction, operation and maintenance of the municipal water pumping, storage and distribution system.
- (5) The director of public works shall have charge of the construction, operation and maintenance of the municipal wastewater pumping facilities and of all public sewers in the village.
- (6) The director of public works shall be responsible for all officers or employees assigned to the public works department,

who shall perform their duties subject to the orders and under the supervision of the director of public works.

- (7) The director of public works shall be the custodian of all property of the village which is not assigned to the care or custody of any other officer.
- (8) The director of public works shall perform such other duties as may be prescribed by the president and board of trustees and the village administrator.

(Code 1977, § 3.07(b))

Sec. 2-328. Divisions.

(a) The public works department shall be divided into four divisions known as:

- (1) Administration.
- (2) Streets.
- (3) Utilities.
- (4) Forestry.

(b) The streets division shall include streets, drainage, vehicle maintenance and public building and grounds maintenance.

(Code 1977, § 3.07(c))

Sec. 2-329. Rules regarding driver's licensing drug and alcohol policy adopted.

That the village president and the board of trustees hereby adopt the village public works department commercial drivers license drug-alcohol policy in its entirety, and the terms and provisions of which are hereby made a part hereof as though fully set forth in this section.

(Ord. No. 99-96, § 1, 8-2-1999)

Secs. 2-330—2-350. Reserved.

ARTICLE V. BOARDS AND COMMISSIONS*

DIVISION 1. GENERALLY

Secs. 2-351—2-365. Reserved.

*Cross reference—Plan commission, § 54-31 et seq.

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DIVISION 2. CIVIL SERVICE COMMISSION

Sec. 2-366. Established.

There is hereby established a civil service commission, composed of three members, to be appointed as provided by law, who shall constitute and be known as the civil service commissioners of the village.

(Code 1977, § 3.13(a))

Sec. 2-367. Membership.

The original appointments of the civil service commission shall be as follows: One commissioner for three years, one commissioner for two years, and one commissioner for one year from the time of appointment and until their respective successors are appointed and qualified. Thereafter, one member of the commission shall be appointed each year. The terms of the members of the civil service commission shall be three years. In the case of a vacancy in the membership of the civil service commission, the successor shall be appointed as provided by law.

(Code 1977, § 3.13(b))

Sec. 2-368. Quorum; officers; powers and duties.

A majority of the members of the civil service commission shall constitute a quorum for the transaction of business. The civil service commission shall elect the necessary officers and make the rules to carry out the purposes of the statutes and for appointments and removals in accordance with its provisions, and shall have and exercise all the powers and perform all the duties and obligations confirmed or imposed on the civil service commission by statute.

(Code 1977, § 3.13(c))

Secs. 2-369—2-385. Reserved.

DIVISION 3. BOARD OF LOCAL IMPROVEMENTS

Sec. 2-386. Appointments.

There is hereby established the board of local improvements for the village, which shall consist

of the village president and all the members of the board of trustees. The village clerk shall serve as the secretary to the board of local improvements. (Code 1977, § 3.14(a))

Sec. 2-387. General duties.

The board of local improvements shall have the powers and perform the duties assigned to it by statute or ordinance.

(Code 1977, § 3.14(b))

Secs. 2-388—2-440. Reserved.

ARTICLE VI. FINANCES*

DIVISION 1. GENERALLY

Sec. 2-441. Fiscal year.

The fiscal year of the village shall commence on May 1 of each year and end on April 30 of the succeeding year.

(Code 1977, § 1.09)

Secs. 2-442—2-460. Reserved.

DIVISION 2. PUBLIC BENEFIT FUND

Sec. 2-461. Created.

There is hereby created a separate fund known as the public benefit fund, and that funds for such purpose may be levied in accordance with 65 ILCS 5/9-2-39 and such other provisions relating thereto.

(Code 1977, § 3.18)

Secs. 2-462—2-480. Reserved.

***Cross references**—Any ordinance or resolution promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness, or any contract or obligation assumed by the village saved from repeal, § 1-19(a)(2); taxation, ch. 74.

DIVISION 3. MUNICIPAL PURCHASING

Sec. 2-481. Competitive bids to be obtained.

Any labor, lease, goods or services to be purchased, sale of personal property, equipment or supplies, or public improvement which is not paid for in whole or in part by a special assessment or special taxation when the expenses or costs thereof will exceed \$20,000.00 shall be constructed or purchased either:

- (1) By a contract let to the lowest responsible bidder after advertising for bids, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all the trustees elected; or
- (2) In the manner following, if authorized by a vote of two-thirds of all the trustees elected, to-wit: the proper officers or departmental head shall make such purchase or shall superintend and cause such work or construction to be carried out, but all material of the value of \$20,000.00 and upward used in any construction work or public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed in this division. Nothing contained in this division shall apply to any contract with the federal government or any agency thereof. Any work or improvements requiring bidding under 65 ILCS 5/8-9-1 shall be let only in accordance with such statute.

(Code 1977, § 4.01; Ord. No. 2005-110, § I, 12-19-2005)

Sec. 2-482. Exceptions to competitive bid requirements.

Contracts which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, auditing contracts for utility services such as water, heat, light, telephone or purchasing of educational matter shall not be subject to competitive bidding.

(Code 1977, § 4.02)

Sec. 2-483. Procedure in contracts over \$20,000.00.

(a) *Publication.* All proposals to award purchase orders or contracts in excess of \$20,000.00 shall be published once at least ten days in advance of the date announced for the receiving of bids, in a newspaper of general circulation throughout the village by the village administrator. Nothing shall be construed to prohibit the village administrator from posting additional notices or advertising in addition thereto in trade magazines, if so directed by the board of trustees. If provisions of section 2-482 are invoked, publication is not required.

(b) *Advertisements for bids.* Advertisements for bids shall describe the character of the proposed contract, purchase or improvement in sufficient detail to enable the bidders thereon to know what their obligation will be, either in the advertisement itself, or by reference, to detailed plans and specifications on file in the office of the village administrator at the time of publication of the announcement. The advertisement shall also state the date, time, and place assigned for the opening of bids, and no bids will be accepted at any time subsequent to the time indicated in the announcement.

(c) *Deposit on bids.* Cash, a cashier's check, or a certified check as a deposit of good faith, in a reasonable amount but not in excess of ten percent of the contract or purchase amount, may be required of each bidder on all sums in excess of \$20,000.00 if specified in the bid announcement.

(d) *Opening of sealed bids.* All sealed bids shall be publicly opened by the board of trustees or its authorized representative.

(e) *Bid award.* The award of any purchase or contract in excess of \$20,000.00 shall be made by the board of trustees to the lowest or highest responsible bidder, depending on whether the village is to receive or expend money.
(Code 1977, § 4.03; Ord. No. 2005-110, § I, 12-19-2005)

Sec. 2-484. Emergency contracts.

In the event of an emergency affecting the public health, welfare or safety, a contract may be

let or a purchase made, to the extent necessary to resolve such emergency without public advertisement. The village administrator or department head shall file his authority for such expenditure in writing with the board of trustees and shall provide the date or time when the emergency shall terminate and shall name the person authorized to make such expenditure or contract and the amount or amounts to be expended. The board of trustees shall, at their next regular meeting, confirm whether an emergency actually existed. If an emergency existed, necessary emergency expenditures shall be confirmed by two-thirds vote of all trustees present.

(Code 1977, § 4.04)

Sec. 2-485. Contracts or purchases not exceeding specified sums.

The board of trustees may make contracts for personal services without the procurement of bids as set forth in this division. The board of trustees may make purchases or award contracts not in excess of \$20,000.00 to the highest or lowest bidder, depending on whether the village is expending or receiving money, without the procurement of bids as set forth in this division. The village administrator may make purchases totaling \$20,000.00 or less, and each department head may make purchases totaling \$1,000.00 or less, from the lowest bidder, without authorization by the board of trustees or procurement of bids as set forth in this chapter. The sums authorized in this division to be expended shall constitute the total payment for such contract or purchase and shall not be expended as an installment or partial payment on a larger amount nor shall it be expended in such a manner to circumvent directly or indirectly the other provisions of this chapter providing for authorization or bidding when a larger sum is to be expended.

(Code 1977, § 4.05; Ord. No. 2005-110, § I, 12-19-2005)

Sec. 2-486. Contracts exempt from purchasing regulations.

The provisions of this division shall not apply to local improvement contracts, special assessments or to purchases or contracts otherwise specifically provided for by the state statute.

(Code 1977, § 4.06)

Sec. 2-487. Invalid purchase contracts.

Any purchase or contract executed in violation of this division shall be null and void as to the village and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the village.

(Code 1977, § 4.07)