

TITLE III

ADMINISTRATION – GOVERNMENT

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§ 30.01 ELECTIONS TO BE CONDUCTED AS PRESCRIBED BY STATUTE

Elections and all matters pertaining thereto shall be conducted in the manner prescribed by statute for the conduct of a regular election for Village officers.

VILLAGE PRESIDENT

§ 30.05 ELECTION AND FUNCTION

The Village President shall be elected for a term of four years and he or she shall be the President of the Board of Trustees as is provided by statute.

§ 30.06 DUTIES

The Village President shall be the chief elected official of the Village, and he or she shall perform all such duties as may be required by him or her by statute or ordinance. He or she shall have the power and authority to inspect all books and records to be kept by any Village officer or employees at any reasonable time.

§ 30.07 BOND AND COMPENSATION

He or she shall take the oath of office as prescribed by statute and shall receive such compensation as may be set from time to time by the Board of Trustees. Such compensation will be an annual salary of \$20,000 paid in monthly installments. The Village President is to be bonded through the current liability insurance provider for the Village. The cost of the bond will be incurred by the Village.

§ 30.08 PRESIDENT PRO TEM

During the temporary absence or disability of the Village President, the Board of Trustees shall elect one of its number to act as President *pro tem*, who during the absence or disability of the President shall perform the duties pertaining to the office.

BOARD OF TRUSTEES

§ 30.15 ELECTION AND FUNCTION

The members of the Board of Trustees shall be elected and serve for a four-year term as provided by law. The Board of Trustees shall be the legislative department of the Village government and shall perform such duties and have such powers as may be delegated by statute.

§ 30.16 OATH AND COMPENSATION

The members of the Board of Trustees shall take the oath of office prescribed by statute and shall receive such compensation as may be provided by action of the Board of Trustees taken from time to time. Such compensation will be an annual salary of \$4,800 paid in monthly installments.

§ 30.17 MEETINGS

(A) The Village Board shall hold its regular meetings in the Village Board Meeting Room on a day and time to be set by the Board of Trustees from time to time.

(B) The meeting place of the Village Board shall be at the Village Board Meeting Room unless otherwise ordered by the Board.

(C) Special meetings may be called by the President of the Village or any three trustees as required.

(D) Public notice must be given for all meetings, whether open or closed to the public, in accordance with *The Illinois Open Meetings Act 5 ILCS 120*.

§ 30.18 PRESIDENT TO BE PRESIDING OFFICER

The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees and at all times when the Board meets as a Committee of the Whole.

§ 30.19 ORDER OF BUSINESS

The order of business of the Board of Trustees shall be established by the Board from time to time.

§ 30.20 RESCINDED ACTION

No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board unless there shall be present at such special meeting as many members of the Board as were present at the meeting when such vote or action was taken, as provided by the statute.

§ 30.21 RESOLUTIONS

Any resolution submitted to the Board of Trustees shall be reduced to writing before being voted upon at the request of any two members of the Board.

§ 30.22 ADDRESSING MEETINGS

No person other than the President, a member of the Board, or the Village Manager shall address that body at any regular or special meeting except upon the consent of a majority of members present. Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body in accordance with *The Illinois Open Meetings Act 5 ILCS 120*. (Source: P.A. 96-1473, eff. 1-1-11.)

§ 30.23 SUSPENSION OF RULES

The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the Trustees present at any meeting.

§ 30.24 ROBERT'S RULES OF ORDER

Robert's Rules of Order shall govern deliberation of the Board of Trustees except when in conflict with any foregoing rules.

§ 30.25 QUORUM

A majority of the Trustees shall constitute a quorum to do business, but no ordinances shall be passed except upon a favorable vote of a majority of the elected members as provided by statute.

§ 30.26 COMMITTEES

(A) *Committee of the Whole.* The standing committee of the Village shall be the Committee of the Whole, which shall be responsible to make recommendations to the Village Board regarding all business of the Village. The Committee of the Whole shall consist of the President and Board of Trustees. The Chairperson of the Committee of the Whole shall be the President of the Village Board.

(B) *Procedure.* It is the intention of the Village Board that all business be brought to the attention of the full Board sitting as a Committee of the Whole.

§ 30.27 DISTURBING MEETINGS

It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof.

§ 30.28 REMOVAL FROM APPOINTED POSITION

No one holding an appointed position within the Village may be removed from that position at a Board meeting where less than the full Board, six trustees and the Village President, is in attendance.

§ 30.99 PENALTY

Any person violating the provisions of §30.27 shall be fined not less than \$25 or more than \$500 for each offense.

CHAPTER 31: OFFICERS AND EMPLOYEES

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GENERAL PROVISIONS

§ 31.01 FAILURE OF OFFICERS TO PERFORM DUTIES

The failure of an officer or employee of the Village to perform an official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided in the section creating the duty.

VILLAGE MANAGER

§ 31.10 OFFICE CREATED

The office of Village Manager is hereby created subject to the provisions of this subchapter.

§ 31.11 QUALIFICATIONS OF VILLAGE MANAGER

The Village Manager shall be chosen by the Village President and Board of Trustees solely on the basis of executive and administrative qualifications with special reference to specific professional education for, actual experience in, and knowledge of accepted practice in respect to the management of local government and to the duties of the office as specified below. The appointment shall be made without consideration of the candidates' race, sex, politics, or religious beliefs. The person appointed to this office need not be a resident of the Village or of the state at the time of appointment. Neither the Village President nor any member of the Village Board shall receive such appointment during their term of office or within two years after the expiration of that term.

§ 31.12 APPOINTMENT AND RELATIONSHIP TO ELECTED OFFICIALS

The Village Manager shall be appointed to an indefinite term of office by a majority vote of the Village Board. The Manager shall, in all cases, be subject to the authority and direction of the Village President and Board of Trustees.

§ 31.13 COMPENSATION AND TERMS OF APPOINTMENT

The rate of compensation of the Village Manager shall be set by the Village Board and may be adjusted from time to time as the Board deems appropriate. Subject to the terms and conditions of state law and this subchapter, the Village Board and the Manager shall enter into an employment contract which specifies in writing the level of compensation of the Manager, fringe benefits including levels of support for the Manager's continuing professional education, agreements for separation pay upon termination of the Manager's employment, other appropriate agreements describing the working relationship between the Manager and elected officials, and the Board's performance expectations for the Manager. This agreement should be reviewed and revised by mutual agreement of the parties at periodic intervals of not more than one year's duration.

§ 31.14 REMOVAL OF THE MANAGER FROM OFFICE

The Village Manager may be suspended by a resolution approved by a majority of the total members of the Village Board which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the Village Manager. The Manager shall have 15 days in which to reply thereto in writing and, upon request, shall be afforded a public hearing, which shall occur not earlier than ten days or later than 15 days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the Village Board by a majority vote of its total membership may adopt a final resolution of removal. The Village Manager shall continue to receive full salary until the effective date of a final resolution of removal.

§ 31.15 POWERS AND DUTIES

The Village Manager shall be responsible to the Village President and Board of Trustees for the proper administration of all affairs of the Village. In discharging this responsibility, the Village Manager shall:

(A) Direct, supervise, and manage all departments, officers, and agencies of the Village, except as otherwise provided by law.

(B) Appoint and when necessary for the good of the service, suspend or remove all Village employees, including department heads, and appointed administrative officers except when otherwise provided for by law. All appointments and removals shall be based solely upon merit and on the qualifications or disqualification of the individuals involved, without regard to race, sex, religious convictions, or political belief or affiliation. The Village Manager may authorize any administrative officer, subject to the Manager's direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office, or agency.

(C) Attend all Village Board meetings. The Village Manager shall have the right to take part in all meeting discussions, but shall not vote. The Village Manager shall be entitled to notice of all regular and special meetings of the Village Board.

(D) Execute on behalf of the Village Board, its policies, enforce its ordinances and resolutions, and otherwise manage the affairs of the Village as directed by the Village Board.

(E) Research and analyze issues and alternatives as well as recommend policies for consideration by the Village Board.

(F) Serve as Village Budget Officer and prepare and submit to the Village Board, by the date set by the Village Board, a recommended annual budget for Village operations and a recommended capital program. When the annual budget or capital program has been approved by the Village Board, the Village Manager shall be responsible for the administration of said budget or capital program.

(G) Submit to the Village Board and make available to the public a complete report on the finances and administrative activities of the Village at the end of each fiscal year.

(H) Evaluate and report, not less frequently than monthly, to the Village Board on the operations of Village Departments. At the direction of the Village Board, the Manager shall conduct studies and submit reports and recommendations to the Village Board.

(I) Keep the Village Board fully advised as to the present financial condition and future needs of the Village.

(J) Advise the Village Board on pending decisions of public policy and recommend to the Board the adoption of such measures as the Manager may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.

(K) Be responsible for acting as the Village's Purchasing Agent and for procurement of commodities and services for all Village departments, officers, and agencies, and promulgate purchasing rules which shall be followed by employees in the procurement of goods and services.

(L) Propose to the Village Board such personnel rules and regulations as the Manager deems necessary to manage the personnel policies of the Village.

(M) Recommend to the Village Board for its adoption a standard schedule of compensation for employee classifications.

(N) Be responsible for the conduct of all collective bargaining processes of the Village, and recommend to the Village Board collective bargaining agreements for consideration in and possible final approval by the Board. The Village Manager shall be responsible for administering all employee organization contracts reached through the collective bargaining process.

(O) Provide staff support services for the Village President and members of the Board of Trustees.

(P) The Manager shall be notified and receive, and shall investigate or have investigated all complaints in relation to matters concerning the administration of the government of the Village, and the services maintained and provided by the Village.

(Q) All officers and department heads shall submit all matters requiring Board action, or attention, to the Manager, who shall submit them to the Village Board with such recommendations as may be deemed necessary. All direction to departments or employees made by the Village Board shall be submitted to the Manager, and the Village Board will then receive the information as to policy and department operations from the Manager. The Village Board will deal with administrative services and functions as much as practical through the Manager. In instances where a request or an inquiry is made directly to an employee by the Village Board member, the Manager should be advised of the matter as soon as possible.

(R) In the event of an accident, disaster or other circumstances creating a public emergency the Manager may award contracts, make purchases and incur other obligations of the Village for the purpose of meeting said emergency up to \$20,000. As soon as practical, the Manager shall file with the Village Board a written statement of such emergency, the necessity for such action and an itemized account of all expenditures.

(S) Perform such other duties as may be specified by law or Village ordinance or as may from time to time be requested by the Village Board.

§ 31.16 BOND

The Village Manager shall be insured by the Village's liability insurance provider in an amount to be set from time to time by the Board, with sureties to be approved by the Board of Trustees. The bond shall be conditioned upon the faithful performance by the Manager of the duties of office and to indemnify the Village for any loss due to any neglect or wrongful act on the part of the Manager. The Village Manager is to be bonded through the current liability insurance provider for the Village. The cost of the bond will be incurred by the Village.

§ 31.17 ACTING MANAGER

If, because of a temporary absence, disability, or illness, the Village Manager is unable to carry out the functions of this office, the Village President and Board of Trustees may appoint a member of the Village's senior administrative staff to serve as acting Manager and carry-out the duties of the Manager during the Manager's absence.

§ 31.18 MATTERS DIRECTED TO MANAGER'S ATTENTION

No citizen or elected officer of the Village shall dictate the appointment of any person to, or their removal from, office by the Village Manager or by any of the Manager's subordinates. Except for the purpose of inquiry, elected Village officers shall deal with the administrative service through the Village Manager. Elected Village officers shall not give orders to any subordinates of the Village Manager, either publicly or privately.

§ 31.19 AUTHORITY OF OTHER OFFICERS

Nothing in this subchapter shall be deemed to diminish or detract from the statutory powers and authority of the Village's elected officials.

VILLAGE CLERK

§ 31.25 APPOINTMENT; TERM OF OFFICE

The Village Clerk shall be appointed by the Village President subject to the concurrence of the Village Board pursuant to ILCS Ch. 65, Act 5, § 3.1-25-90.

§ 31.26 DUTIES

(A) The Clerk shall keep the corporate seal, to be provided by the corporate authorities, and all papers that belong to the Village the custody and control of which are not given to other officers. The Clerk shall keep a full record of its proceedings.

(B) In addition to the duties provided in this code of ordinances, the Clerk shall perform other requirements and statements as are required by law or ordinance.

Editor's note: The term "corporate authorities" used in the above section and elsewhere in the code means the Village President and the Board of Trustees.

Cross-reference:

Village Clerk's duties pertaining to elections, see § 30.01.

§ 31.27 RECORDING AMENDMENTS

(A) The Village Clerk shall keep at least one copy of the Village Code that he or she shall mark in the following manner:

(1) Whenever an ordinance that amends or makes an addition to this code is passed and approved, the Village Clerk shall note on the margin of the section or sections amended that such amendment has been made, with a reference to the place in the amendment book, hereinafter described, where the amendment may be found; and

(2) In such case of addition, the Village Clerk shall mark in the appropriate place a notation that such addition has been made, with a similar reference to the aforementioned amendment book.

(B) The Village Clerk shall also keep a separate book containing every amendment or addition passed to this code, with a reference on each copy of such amendment or addition as to the place in the record of ordinances where the original ordinance may be found.

(C) The above mentioned records shall be kept in addition to the record of ordinances that the Clerk is required to keep by law.

VILLAGE TREASURER

§31.34 TREASURER TO BE VILLAGE COLLECTOR

The Village has determined that the most efficient means of operation would be to allow the Village Treasurer to also act as Village Collector.

§ 31.35 TERM OF OFFICE

The Treasurer shall be appointed by the President with the advice and consent of the Board of Trustees pursuant to ILCS Ch. 65, Act 5, § 3.1-30-5.

§ 31.36 BOND

The Village Treasurer shall be insured in an amount to be set from time to time by the Board, with sureties to be approved by the Board of Trustees. The bond shall be conditioned upon the faithful performance by the Treasurer of the duties of office and to indemnify the Village for any loss due to any neglect or wrongful act on the part of the Treasurer. The Village Treasurer is to be bonded through the current liability insurance provider for the Village. The cost of the bond will be incurred by the Village.

§ 31.37 DUTIES

(A) The Treasurer shall receive all money and sums belonging to the Village and shall keep the books and accounts in a manner prescribed by ordinance and the statutes of the state. These books and accounts shall always be subject to the inspection of any member of the corporate authorities at any time. He or she shall keep separate accounts of each fund or appropriation and the debits and credits belonging thereto.

(B) To receive, receipt for, and collect all moneys due to the Village from all sources including water bills, special assessments and for all other purposes and to keep a true and correct account thereof and to make a return of all delinquent special assessments to the County Treasurer as provided by law.

§ 31.38 DEPOSIT OF FUNDS

The Treasurer shall be custodian of all Village funds that are deposited in such depositories as may be designated by ordinance. The corporate authorities shall designate a bank or banks in which the fund and monies of the Village may be kept in the custody of the Treasurer. The Treasurer shall be discharged from responsibility for all funds and monies that he or she deposits in a designated bank while the funds and monies are so deposited. If Village funds or monies are deposited in a designated bank, however, the amount of such deposit shall not exceed 75% of the bank's capital stock and surplus, and the Treasurer shall be responsible for funds and monies deposited in the bank in excess of this limitation. Nothing contained herein shall be construed from releasing the Treasurer from any intentional act, theft or mismanagement of his or her office.

§ 31.39 SEPARATION OF FUNDS

The Treasurer shall keep the Village money separate and distinct from his or her own and shall not intermingle his or her money with any funds or monies of the Village or make private or personal use of the Village's funds in any way.

§ 31.40 REPORT

The Treasurer shall make monthly reports, and more often if required by the Board of Trustees, showing the state of the finances of the Village and the amounts received and spent during the preceding month. The report shall be filed and kept as part of the municipal record. The Treasurer shall make an annual report as required by state law, with the total amount of all receipts and expenditures of the Village during the preceding fiscal year, reported in their entirety.

§ 31.41 REMOVAL FROM OFFICE

Any violation of the requirements of this subchapter or the statutes of the state shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. In that case, the Treasurer's successor shall be appointed, and he or she shall hold the office for the remainder of the unexpired term of the Treasurer so removed.

VILLAGE ATTORNEY AND VILLAGE PROSECUTOR

§ 31.60 ESTABLISHMENT

The positions of Village Attorney and Village Prosecutor are hereby created, consisting of duly licensed attorneys and such other assistants as may be provided by the Village Manager, appointed by the Village Manager.

§ 31.61 DUTIES

(A) *Duties of the Village Attorney.* The Village Attorney shall be in charge of, and responsible for the following:

- (1) He/she shall prosecute or defend any and all suits or actions of law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against of by any officer of the Village on behalf of the Village, or in the capacity of the person as an officer of the Village other than traffic matters, or other litigation matters specifically directed to the Village Prosecutor;
- (2) He/she shall see to the full enforcement of all judgments or decrees rendered or entered in favor of the Village and of all similar interlocutory orders;
- (3) He/she shall be the legal advisor to the Village and shall render advice on all legal questions affecting the Village whenever requested to do so by any Village official. Upon request of the President or the Village Manager, he/she shall reduce any such opinion to writing;
- (4) He/she shall see to the completion of all special assessment and condemnation proceedings;
- (5) He/she shall draft or supervise the phraseology of any contract, lease, or other document or instrument to which the Village may be a party, and upon the request of the Village Manager, he/she shall draft ordinances as they so direct and are within the power of the Village to enact; and
- (6) He/she shall provide legal advice to all other employees of the Village who shall request his/her counsel concerning the Village matter.

(B) *Duties of the Village Prosecutor.* The Village Prosecutor shall be in charge of and responsible to prosecute violations of all ordinances of the Village where a fine or criminal penalty is sought, including, but not limited to, traffic ordinances, building code ordinances, criminal codes, or statutes as applicable, and the property maintenance code and any other matters as directed by the Village Board.

CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

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POLICE DEPARTMENT

§ 32.01 ESTABLISHMENT

The Police Department shall consist of the Chief of Police and sufficient sergeants, juvenile officers and patrol officers as provided for in the annual fiscal year budget.

§ 32.02 OFFICERS

(A) There are established the positions of the Chief of Police and such other officers of such rank as may be provided for by the Village Board of Trustees in the Annual Budget Ordinance of the Village as established pursuant to the Rules and Regulations of the Huntley Police Department but subject, as applicable, to the rules established by the Board of Police Commissioners of the Village, the personnel policy of the Village, any rules and regulations adopted by ordinance of the Village and orders of the Chief of Police. The Chief of Police shall be appointed by the Village Manager.

(B) The Chief of Police shall be in charge of and exercise control over all officers and employees of the Police Department, subject to the authority of the Board of Police Commissioners of the Village.

(C) The position of Deputy Chief is hereby established for the Village Police Department. The Deputy Chief, who shall be appointed by the Chief of Police, shall be an exempt rank immediately below that of the Chief of Police. The appointment shall be from the rank of sworn, full-time officers of the Village, but must have at least five years of full-time service as a police officer in the Village Police Department. The Deputy Chief shall serve at the discretion of the Chief of Police and, if removed from the position, shall revert to the rank held immediately prior to appointment to the Deputy Chief position. Up to two persons may be appointed to the position of Deputy Chief once the Police Department has in its employ more than 25 sworn full-time police officers.

§ 32.03 DUTIES OF DEPARTMENT MEMBERS; RULES AND REGULATIONS ADOPTED BY REFERENCE

(A) The duties of the Chief and all other members of the Department shall be as designated and stated by state statute and by rules and regulations previously promulgated and which are referred to and known as “General Orders of the Village of Huntley Police Department”.

(B) “General Orders of the Village of Huntley Police Department” as amended from time to time are hereby re-adopted and promulgated as rules and regulations for the Department and are included herein by reference as if set forth in full.

DEPARTMENT OF FINANCE AND HUMAN RESOURCES

§ 32.05 ESTABLISHMENT

There is created the Department of Finance and Human Resources of the Village of Huntley, consisting of the Director and such other employees as may be provided for in the annual fiscal year budget.

§ 32.06 DIRECTOR

There is created a position of Director of Finance and Human Resources who shall be appointed by the Village Manager. The Director shall have control and supervision over all employees assigned to the Department.

DEPARTMENT OF PUBLIC WORKS

§ 32.15 ESTABLISHMENT

There is created the Department of Public Works for the Village, consisting of the Director of Public Works and such officers and employees as provided for in the annual fiscal year budget.

§ 32.16 DIRECTOR

There is created the position of Director of Public Works who shall be appointed by the Village Manager. The Director shall have control and supervision over all employees assigned to the Department.

ENGINEERING DEPARTMENT

§ 32.20 ESTABLISHMENT

There is created the Engineering Department for the Village, consisting of the Director and such officers and employees as provided for in the annual fiscal year budget.

§ 32.21 DIRECTOR

There is created the position of Director of Engineering who shall be appointed by the Village Manager. The Director shall have control and supervision over all employees assigned to the Department.

DEVELOPMENT SERVICES DEPARTMENT

§ 32.25 ESTABLISHMENT

There is created the Development Services Department of the Village, consisting of the Director and such other employees as provided for in the annual fiscal year budget.

Cross-reference:

Building Regulations, see Chapter 150

§ 32.26 DIRECTOR

There is created the position of Director of Development Services who shall be appointed by the Village Manager. The Director shall have control and supervision over all officers and employees assigned to the Department.

PLAN COMMISSION

§ 32.30 ESTABLISHMENT

There is established a Plan Commission for the Village in accordance with ILCS Ch. 65, Act 5, §§ 11-12-4 through 11-12-12.

Cross-reference:

See Title XV: Land Usage – Chapter 156: Zoning Ordinance, § 156.201 et seq.

§ 32.31 COMPENSATION AND PROCEDURES

(A) All members and officers shall serve without compensation, unless the Village Board deems it advisable to so compensate. If the Plan Commission shall deem it advisable to secure technical advice or service of any nature, or incur expense in connection with the carrying on of its work, it may do so upon authority from the Village Board and appropriation by the Village Board.

(B) The Plan Commission shall adopt rules and regulations from time to time to govern its activities as it deems necessary.

§ 32.32 EXPENDITURES

The Commission may, at the discretion of the Village Board employ necessary help whose wages, salaries, and necessary expenses shall be provided for by adequate Board appropriation made by the Board of Trustees from public funds. If the Commission deems it advisable to secure technical advice or services, it may be done upon authority upon the Board of Trustees and appropriation made by them therefore.

ZONING BOARD OF APPEALS

§ 32.35 ESTABLISHMENT

There is established a Zoning Board of Appeals for the Village in accordance with ILCS Ch. 65, Act 5, §§ 11-13-3 through 11-13-7.

Cross-reference:

See Title XV: Land Usage – Chapter 156: Zoning Ordinance, § 156.202 et seq-

§ 32.36 COMPENSATION AND PROCEDURES

(A) All members and officers shall serve without compensation, unless the Village Board deems it advisable to so compensate. If the Zoning Board of Appeals shall deem it advisable to secure technical advice or service of any nature, or incur expense in connection with the carrying on of its work, it may do so upon authority from the Village Board and appropriation by the Village Board.

(B) The Zoning Board of Appeals shall adopt rules and regulations from time to time to govern its activities as it deems necessary.

§ 32.37 EXPENDITURES

(A) The Zoning Board of Appeals may, at the discretion of the Village Board employ necessary help whose wages, salaries, and necessary expenses shall be provided for by adequate Board appropriation made by the Board of Trustees from public funds. If the Zoning Board of Appeals deems it advisable to secure technical advice or services, it may be done upon authority upon the Board of Trustees and appropriation made by them therefore.

(B) Expenses incurred by the Board in the performance of its duties and the expenses incurred by the Zoning Administrator in the performance of his duties shall be paid by the Village upon receipt of a statement which shall include an itemization of all expenses and fees for meetings incurred. Compensation to Board members for each meeting attended may be authorized by the Village Board

BOARD OF MANAGERS FOR HUNTLEY CEMETERY

§ 32.40 BOARD; APPOINTMENT

The Village President by and with the consent of the Board of Trustees shall appoint three persons who are residents of the Village who shall constitute and be called the “Board of Managers” of the Village cemetery. They shall hold their positions for two years and until their successors are duly appointed and qualified.

§ 32.41 POWERS OF THE VILLAGE BOARD OF TRUSTEES

(A) The President and Trustees of the Village Board shall have the power to remove from office any or all of the Board of Managers or the Clerk or Treasurer of said Board for nonperformance of duties or for misappropriation or wrongful use of funds or property and to require a just and proper accounting for the same.

(B) The Board of Managers shall have the care, charge, and management and control of the cemetery under the supervision of the Village Board of Trustees.

§ 32.42 ORGANIZATION OF BOARD

(A) A majority of the members of the Board shall constitute a quorum for the transaction of business, and will hold general or special meetings in the Village Hall on a quarterly basis or as needed. At such times they may by order direct, and they may make and establish such reasonable bylaws, rules, and regulations as may be necessary for their own government, and for the full and complete execution of their powers and duties and the use of Village-owned cemeteries.

(B) The Board of Managers shall organize, selecting one of their number to be President and another to be Clerk, and also may elect a Treasurer, who may or may not be a member of the Board of Managers.

(C) The Village Clerk and Village Treasurer will be *ex-officio* members of the Cemetery Board of Managers.

§ 32.43 BOARD DUTIES

(A) *General duties.* The Board of Managers shall have control, superintendence, and charge of the cemetery and its appurtenances.

(B) *Cemetery lots appraised.* The Board of Managers shall appraise the square or lots that remain unsold in the cemetery and may reappraise those that remain unsold from time to time as may be necessary.

§ 32.44 CLERK / TREASURER

The Clerk of the Board of Managers or designee shall keep a permanent record of the proceedings of the Board in a book provided for that purpose. The Treasurer or designee shall keep a permanent record of the several trust funds, from what sources received, the amounts thereof and for what uses and purposes. The Treasurer of the Board of Manager's shall submit a financial report, annually, that shall be included as part of the Village's overall annual financial audit.

§ 32.45 COMPENSATION

The members of the Board of Managers shall be compensated on an annual basis with the amount of compensation being determined by the Village President and Board of Trustees. Such compensation will be an annual salary of \$350 paid in a lump sum at the end of the fiscal year.

§ 32.46 CEMETERY RECORDS

- A. The Huntley Cemetery is managed by the Village of Huntley, hereafter referred to as "The Village". The Village shall assume the responsibility for the operating and maintenance of the Huntley Cemetery, including, but not limited to, the selling of all lots

and graves, maintaining accurate records of all sales, and coordinating work orders on all private lots.

- B. All maps, plats, and papers belonging to all cemeteries under the jurisdiction and control of the Village shall be kept in the general administrative offices of the Village and under the control of the Village Manager. The Village shall keep an accurate record of all lots sold and to whom deeds for same are issued.
- C. Any securities, such as checks and drafts, given for cemetery funds invested shall be made payable to the Village and in behalf of the Village.
- D. Any deeds for cemetery lots shall be prepared by the Village, signed by the Cemetery Board Members, notarized appropriately and have the corporate or Cemetery seal affixed thereto.

HISTORIC PRESERVATION COMMISSION

§ 32.50 HISTORIC PRESERVATION COMMISSION CREATED

There is hereby established a Historic Preservation Commission to review applications to preserve the historic, architectural, scenic, or aesthetic character of a landmark or preservation district or structure.

Cross-reference:

See Title XV: Land Usage - Chapter 159 Historic Preservation

BOARD OF POLICE COMMISSIONERS

§ 32.60 ADMINISTRATION

1. SOURCE OF AUTHORITY

The Board of Police Commissioners of the Village of Huntley, Illinois derives its power and authority from an Act of the General Assembly entitled, "Division 2.1 Board of Police Commissioners", of Chapter 65 of the Illinois Compiled Statutes and the home rule ordinances of the Village, as amended, establishing a Board and setting forth the powers and duties thereof.

2. DEFINITIONS

The word "Commission" and/or "Board" wherever used shall mean the Board of Police Commissioners of the Village of Huntley, Illinois. The word "Officer" shall mean any person holding a permanent office in the Police Department of the Village of Huntley, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

3. OFFICERS OF BOARD AND THEIR DUTIES

The Board consists of three members appointed by the Village President with the consent of the Village Board of Trustees. No appointment shall be made, however, within 30 days before the expiration of the Village President's term in office. No person shall be appointed to the Board who has been convicted of a felony, or who is related, either by blood or marriage up to the degree of

first cousin, to any Village elected official or employee. Appointments to the Board may be made without concern for political party affiliation, but anyone appointed to the Board must be a resident of the Village of Huntley. The Board members shall serve without compensation.

The Board shall annually, at its first meeting of each calendar year, elect a Chairman who shall hold office until the end of the fiscal year of the municipality and until a successor is duly elected and qualified. The Chairman shall be the presiding officer at all meetings. In the absence of the Chairperson, the Board shall select an Acting Chairperson for that meeting.

The Human Resources Manager shall be the recording secretary to the Board. The recording secretary shall keep the Minutes of all meetings of the Board in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Board, and shall provide all official notices in compliance with State law.

4. MEETINGS

- a) Regular meetings shall be held on an as-needed basis. Notice shall be posted and meetings shall be open to the public.
- b) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meetings, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board.
- c) During any regular or special meeting, a closed session may be held upon a proper motion made by any single member of the Board for one or more of the reasons provided by the Open Meetings Act. The secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained by the Secretary of the Board and, after a minimum of 18 months, shall be disposed of in accordance with the provisions of the Open Meetings Act.
- d) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act. 5 ILCS 120/1-5.
- e) If a member is unable to be physically present at a meeting of the Board, whether it be for health related reasons, the need to conduct personal business or the business of the Board, or due to a personal or family emergency, that member may attend and participate at a Board meeting by telephonic or other electronic means provided that a quorum of the Board's members are physically present at the meeting and vote to approve the attendance of the missing member(s) by way of telephonic or other electronic means. The minutes of the meeting shall reflect, by name, those members of the Board who are physically present as well as those attending by telephonic or other electronic means. Notice that a Board member will be in attendance and participating at a Board meeting, not in person but electronically, shall be provided to the Board's recording secretary or the municipal clerk at least 48 hours prior to the scheduled meeting.

5. QUORUM

A majority of the members of the Board shall constitute a quorum for the conduct of all business.

6. ORDER OF BUSINESS

The order of business at any meeting shall be:

- a) Call to Order
- b) Roll Call
- c) Public Comment
- d) Approval of the Minutes
- e) Unfinished Business
- f) New Business
- g) Adjournment

7. PROCEDURE

The parliamentary procedure prescribed in Robert's "Rules of Order" shall be followed as far as applicable.

8. AMENDMENTS

Amendments to the rules of the Board may be made at any meeting of the Board. All amendments shall forthwith be printed for distribution and notice shall be given of the place or places where said rules may be obtained. Such notice shall be published in a newspaper of general circulation in the Village. The notice shall specify the date, not less than 10 days subsequent to the date of such publication, when rules shall go into effect.

9. ANNUAL REPORT AND BUDGET REQUEST

The Board shall submit an Annual Report of its activities as required by 65 ILCS 5/10-2.1-19, and a Budget Request for the ensuing year, as required by local ordinance and the aforementioned 65 ILCS 5/10-2.1-19.

§ 32.61 - APPLICATIONS

1. RESIDENCE

Applicants for examination must be citizens or lawful permanent residents of the United States.

2. APPLICATION BLANKS

Applications for a position shall be filed upon blank forms furnished by the Commission, and applicants must comply with the requirements of said form in every respect. The application must be filed with the Board prior to taking an examination by the Board-established deadline.

Every applicant must be of good moral character, of temperate habits, and must be able to perform the essential duties of the position applied for, with or without reasonable accommodation. The burden of establishing these facts rests upon the applicant.

Each applicant shall furnish to the Board:

- a) A completed employment application;
- b) A certified copy of the applicant's birth certificate;
- c) A certified copy of the applicant's high school diploma or G.E.D.
- d) When applicable, a certified copy of the applicant's transcript of grades from an accredited college or university;
- e) A copy of a valid Illinois driver's license;
- f) When applicable, a certified copy of the applicant's military service record and discharge papers ("DD214").

All documents shall be forwarded to the secretary for record keeping.

A false statement made by a person in an application for examination, connivance in any false statement made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination.

3. DISQUALIFICATION

The Board may refuse to examine or, after examination, to certify as eligible any applicant:

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- b) Who is physically unable to perform the essential duties of the position to which he or she seeks appointment, with or without reasonable accommodation.
- c) Who is found to have taken or used drugs illegally.
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in 65 ILCS 5/10-2.10-6, as it may be amended from time to time.
- e) Who has been dismissed from any public service.
- f) Who has attempted to practice any deception or fraud in his or her application.
- g) Whose character and employment references are unsatisfactory.
- h) Who does not possess a high school education or its equivalent, in addition to an Associate's Degree (subject to the waivers specified in 65 ILCS 5/10-2.1-6).
- i) Who has failed to fulfill any of the requirements for applicants which are set forth in State Law, Village ordinance and these Rules and Regulations.
- j) Who failed to attend any phase of the testing process.
- k) Who has been classified by his or her Local Selective Service Draft Board as a conscientious objector.

- l) Who is otherwise unqualified for service in the Police Department

Any applicant, or eligible, deemed disqualified hereunder, shall be notified in writing by the Board. All determinations by the Board in this regard shall be final.

4. DEFECTIVE APPLICATIONS

Defective applications shall be returned to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought. Corrected applications must be submitted by the original Board-established deadline, after which any application (even corrected applications) will be considered untimely and rejected.

5. AGE REQUIREMENTS

Applicants shall be under 35 years of age at the time of application, unless exempt from such age limitation as provided in 65 ILCS 5/10-2.1-6, as may be amended from time to time. If an applicant who does not qualify for an age exemption pursuant to 65 ILCS 5/10-2.1-6, and who is placed on an eligibility list, later becomes overage before he or she is appointed to the Police Department, the applicant remains eligible for appointment as long as the applicant has not attained the age of 36 years by the date of appointment. Applicants, at such time as they file their application with this Board, must be 21 years of age. Proof of birth date will be required at time of application by submitting a certified copy of the Applicant's birth certificate.

6. EDUCATIONAL REQUIREMENTS

Applicants must possess a high school diploma or its equivalent and an Associate's Degree at the time of application. An Associate's Degree may be waived if one or more of the following applies: (a) the applicant has served for at least 24 months of honorable active duty in the U.S. Armed Forces, and has not been discharged dishonorably or under circumstances other than honorable; (b) the applicant has served for 180 days of active duty in the U.S. Armed Forces in combat duty recognized by the Department of Defense, and has not been discharged dishonorably or under circumstances other than honorable; or (3) the applicant has a Bachelor's Degree from an accredited college or university, or successfully received credit for a minimum of 60 credit hours toward a Bachelor's or Associate's degree from an accredited college or university.

7. NOTICE OF ACCEPTANCE

The Secretary will notify all applicants whose applications have been accepted by the Board to be present for orientation and subsequent examination.

8. RELEASE OF LIABILITY

All applicants shall execute and deliver upon forms furnished by the Board, a release in favor of the Board and the Village of Huntley, as well as each of their officers, agents and employees, relative to all liability, loss, damage or expense that may arise as a result of or in connection with the applicant's participation in any phase of the testing process, said release to be in the form prescribed by the Board.

9. INVESTIGATION OF APPLICANT'S BACKGROUND/WAIVER

By making application for a position to the Police Department, each applicant expressly authorizes the Board to conduct such investigation into the applicant's history and character to determine that the applicant would not be disqualified under the requirements of the Rules and Regulations. All applicants shall execute a form authorizing and empowering the Board and its agents to conduct a background investigation of the applicant.

§ 32.62 EXAMINATIONS; ORIGINAL APPOINTMENTS

1. NOTICE OF EXAMINATIONS

Examinations (including orientation sessions) shall be held on the dates fixed by the Board and advertised in a local paper in accordance with the Statutes of the State of Illinois. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination or orientation session, and of the new date fixed for said examination or orientation session.

2. EXAMINATIONS

The Board shall call examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the Minutes of the Board and shall include a statement of:

- a) The time and place where such examination will be held.
- b) The location where applications may be obtained and the date by which applications must be returned to the Board.
- c) The position to be filled from the resulting eligibility list.

3. TYPE OF EXAMINATIONS

Applicants must attend the orientation program sponsored by the Board. In addition, applicants may be required to participate in a physical aptitude test, written and oral examinations as determined by the Board and as more particularly set forth in Section 4 below. The subject matter for orientation, written, and oral examinations shall be such as will test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.

4. EXAMINATIONS - MINIMUM GRADE

The following examinations may be conducted by the Board. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. All grades are based on a maximum weighted grade of 100 plus any preference points as hereinafter provided. An applicant's

final point score shall be the sum total of the weighted average of his/her written and oral examinations.

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Orientation	--	Attendance Mandatory
Physical agility, strength, skill and/or performance tests related to the applicants ability to perform the essential functions of the position involved including, for example, the power test.	--	Pass or Fail
Written Examination	50%	70%
Oral Examination	50%	70%
Background Investigation	--	Pass or Fail
Polygraph Test	--	Pass or Fail

After Conditional Offer of Employment		
Psychological Examination	--	Pass or Fail
Medical Examination related to the applicants ability to perform the essential functions of the position	--	Pass or Fail

Note: To any person who is entitled to military, educational (but only for a Bachelor's degree from an accredited college or university), or law enforcement preference points whose name appears on the list of eligibles, the Board shall add five (5) points (pursuant to Sections 5/0-2.1-8 and 5/10-2.1-9(a)) upon request of applicant. Such preference points shall not be cumulative.

5. ORIGINAL APPOINTMENT - AGILITY/ POWER TEST

The Board may require applicants to complete the agility/power test with a private testing company prior to the orientation/written test. Only candidates who have passed the physical aptitude/power test within six months of the application deadline will be permitted to participate in the written examination. The components and requirements of the agility/power test shall be of such a nature that the test will adequately evaluate the applicant's aptitude and ability to perform the essential functions of the position involved, with or without reasonable accommodation.

6. ORIGINAL APPOINTMENT – ORAL EXAMINATION

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than a majority of the Commissioners conduct the oral Examination. Additionally, the Chief of Police or his designee as well as a representative of the Village Manager's Office or designee shall be present. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on speech,

alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position.

On completion of each Oral Examination the Commissioners and staff liaisons will discuss the Candidate's abilities using the traits listed above. The applicant's final grade will be the average of the grades provided by the Board members present. Candidates who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration.

Notwithstanding anything to the contrary herein, the Board in its discretion may provide for the oral examination to be conducted by an outside testing agency or testing vendor.

The Board shall have discretion to determine the number of candidates invited to participate in the oral examination. Those passing the oral examination will be added to the Initial Eligibility List described in Section 8 below. At any subsequent point to the initial round of oral examinations and after the Final Eligibility List is posted, should the Board determine it is necessary to have additional candidates participate in oral examinations, the Board shall select additional candidates to participate in the oral examination from those who passed the written exam (as long as two years have not elapsed since the posting of the results for the written exam). In that event, candidates who successfully have passed the subsequent round of oral examinations will be merged with candidates on any existing Final Eligibility List, subject to the award of preference points and regardless of the time of examination.

7. ORIGINAL APPOINTMENT - WRITTEN EXAMINATIONS

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. All examination papers shall be and remain the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. The Board will post written examination results. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration for this testing process. Candidates who fail any testing process component are eligible to test in the future when another opportunity is offered by the Village. Candidates who successfully pass the written examination will be eligible to participate in future testing components held within two years of the posting of the written exam results. Under no circumstances, however, will successful written exam candidates be allowed to participate in future testing components after the passage of two years from the posting of the written exam results, although such candidates may participate in future exams announced by the Board.

8. INITIAL ELIGIBILITY LIST

- a) The Board will prepare an "Initial Eligibility List" of the Candidates successfully completing the required components of the examination process for police officer. Candidates shall be placed on the eligibility list in order of their relative excellence as determined by their written exam and oral interview test scores.

This List is subject to change with the addition of any claimed preference points as described in 65 ILCS 5/10-2.1-8 and 5/10-2.1-9(a), except that educational preference points will be awarded to only those applicants with a Bachelor's degree from an accredited college or university. Such preference points shall not be cumulative.

- b) A dated copy of the Initial Eligibility List shall be posted on the Village website.
- c) Candidates who are eligible for veteran, educational (*i.e.*, only those with a Bachelor's degree from an accredited college or university) or law enforcement certification preference points in 65 ILCS 5/10-2.1-8 and 5/10-2.1-9(a), shall make a claim in writing with proof thereof within ten (10) days after the date of the eligibility list posting, or such claim shall be deemed waived. After receipt of a valid claim of preference from an applicant, the secretary shall add the appropriate number of points to that applicant's examination score. After preference points have been added, the secretary shall re-rank the applicants on the Initial Eligibility List and establish a Final Eligibility List.

9. FINAL ELIGIBILITY LIST

- a) The Board will prepare a "Final Eligibility List" which shall include claimed preference points. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate.
- b) A dated copy of the Final Eligibility List shall be posted on the Village website and sent to each person appearing thereon. Applicants shall be removed from the Final Eligibility List after two years have elapsed from the date the List was posted.
- c) Additional candidates who have successfully passed the written examination but who were not selected to take an oral examination may be merged onto the Final Eligibility List pursuant to Sections 6 and 7 of this Chapter.
- d) Appointment from this Final Eligibility List is subject to satisfactorily passing an in-depth psychological examination, a polygraph test, background investigation, and a thorough medical examination (which may include a test of the applicant's vision, hearing, for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics). A conditional offer of employment shall be extended to qualified applicants immediately preceding the psychological and/or medical examination of a candidate. Unless otherwise exempt pursuant to 65 ILCS 5/10-2.1-6, applicants must not have attained 36 years of age by the time of their appointment to the Police Department.

10. PROFESSIONAL EXAMINATIONS AND TESTS

- a) After a conditional offer of employment has been made, each applicant for original appointment shall submit to a Psychological Examination by such licensed psychologist or psychiatrist as the Board may designate. Such examination shall be without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration.
- b) Any applicant for original appointment to the Police Department of the Village of Huntley, Illinois, may be required to submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Board may designate. Such test shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test shall disqualify him to enter upon the duties of the office for which the application for examination was filed.

- c) Medical examinations, related to the applicant's ability to perform the essential functions of the position involved with or without reasonable accommodation, shall be performed by a licensed physician as designated by the Village of Huntley.

11. LATERAL ENTRY REGISTRY

- a) The Village of Huntley recognizes the need to expand the pool of eligible applicants for appointment as Police Officers to include trained individuals whose knowledge, skills, abilities, and level of experience meet specific and defined needs of the Police Department.

When the Police Chief identifies a need for lateral appointment due to special or unique circumstances that are not addressed by the rank order of applicants on the eligible register established by the Commission pursuant to Chapter III, Section 9 of these Rules, the Police Chief may request the Commission to solicit applications for lateral appointment to the position of Police Officer.

In such circumstances that the Police Chief has requested, and the Commission has determined, to solicit applications for lateral appointment, the provisions of this Section 11 shall apply and shall supersede the examination and appointment provisions in this Chapter.

It is intended that the call for, evaluation of, and ultimate appointment of a lateral applicant having particular knowledge, skills, abilities, and level of experience will be a more streamlined process that will enable the Police Department to address critical functional and staffing needs expeditiously.

- b) To be considered for the Lateral Entry Registry, applicants must meet the following minimum requirements in addition to all of the application requirements and prerequisites set forth in Chapter II of these rules.
 1. State of Illinois Law Enforcement Certification from the Illinois Law Enforcement Training and Standards Board as a law enforcement officer; and
 2. At least 2 years' experience as a full-time sworn, certified law enforcement officer within the 3 years preceding the date of application; and
 3. In good standing in the police department in which the person serves, or laid off due to budgetary restraints; and
 4. Possess substantially equivalent skills and abilities of a Village of Huntley Police Officer who has completed the probationary period, as determined by the Village.
- c) Lateral entry applicants will be subject to the normal testing process for initial hires outlined in this Chapter III, except that lateral entry applicants will not be subject to a written and physical agility examination.
- d) The Police Chief or the Chief's designee will review the applications to identify applicants having the requisite knowledge, skills, abilities, or level of experience needed to address special or unique circumstances within the Police Department. Those applicants will be required to appear for a pre-screening review prior to an oral examination. Oral examinations under this Section will be conducted by the Chief, a representative from the Village Manager's Office or designee, and/or any other Police

Department personnel designated by the Chief. Commissioners may, but are not required, to attend oral examinations under this Section. The lateral entry applicant's final oral examination grade will be the average of the grades provided by those Village personnel present for the oral examination.

- e) Lateral hire applicants who have met all hiring prerequisites and successfully completed the pre-screening review and oral examination will be placed upon a "Final Eligibility Register for Lateral Entry" in order of their relative excellence, based upon their scores on the oral examination. Election of veteran and educational preference points will be processed according to Chapter III, Section 8(c) of these Rules. Selection from the Final Eligibility Register for Lateral Entry, including procedures following a conditional offer of employment, will follow the process outlined in Chapter III, Sections 9(d) and 10 of these rules.
- f) For purposes of appointment to a vacancy, the Board may, but is not required to, give preference to an individual on the Final Eligibility Register for Lateral Entry. The Board, in its discretion, may make an offer of employment to a candidate from either the Final Eligibility List or the Final Eligibility Register for Lateral Entry.
- g) An individual who has been on the Final Eligibility Register for Lateral Entry for more than 2 years and has not been appointed shall be removed from the list.

12. PROBATIONARY APPOINTMENT

- a) All offers of employment shall be made from the Final Eligibility List. When a vacancy exists the Police Chief, with the concurrence of the Village Manager, shall select a candidate among the three (3) candidates then standing highest on the Final Eligibility List. Provided at the time of such appointment, the candidate must be physically and psychologically able to perform the essential functions of the position, with or without reasonable accommodation. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint an applicant who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants.
- b) The probationary period for original appointees to the Police Department, any extension thereof, and discharge of such employee during the period of probation or extension thereof, as the case may be, shall be provided in the applicable collective bargaining agreement covering the patrol officers. A signed reimbursement contract shall be on file with the Village prior to or on the first date of employment.
- c) A candidate who fails to accept or request a waiver of an offer of appointment within ten days of receipt thereof shall be deemed to have declined such appointment and his/her name shall be stricken from the Final Eligibility List. A candidate may request to waive an offer of appointment and retain his/her position on the eligibility list, by submitting a written statement to the Board, setting forth the reasons for such request. It shall be the option of the Board to approve or reject such waiver. Provided, no candidate shall be permitted more than one waiver of appointment. If the Board approves the waiver request, the candidate shall retain his/her position on the Final Eligibility List. If the Board rejects the waiver request, it shall advise the candidate who shall have ten days

from receipt of such notice to accept the offer of employment. A candidate who fails to accept the offer of employment within ten days of receipt of notice from the Board of its decision not to grant a waiver shall be deemed to have declined such appointment and his/her name shall be stricken from the Final Eligibility List.

- d) A probationary officer may be discharged from employment with the Village by the Police Chief, subject to approval of the Village Manager, with or without cause, and without hearing, at any time during the probationary period. Such action shall be reported to the Board for informational purposes.

13. CERTIFICATION

In addition to satisfactory performance, final certification of probationary officer in the position of police officer shall be subject to successful completion of the Basic Training Course and examination, as mandated by the State of Illinois, within the prescribed probationary period and as otherwise provided by law. Inability to successfully complete this course shall be grounds for dismissal.

§ 32.63 PROMOTIONAL EXAMINATIONS

1. GENERAL

The Board shall provide for promotion in the Police Department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. Probationary police officers shall be ineligible to test for promotion during their probationary period. All promotions shall be made from the three (3) individuals having the highest rating, and where there are less than three (3) names on the promotional eligibility list, as originally posted, or remaining thereon after appointments have been made there from, appointments to fill existing vacancies shall be made from those names or the name remaining on the promotional list.

The method of examination and the rules governing examinations for promotion are specified below. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional list. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility list.

- a) Examinations will be conducted in the following sequence. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. All grades are based on a maximum weighted grade of 100.

<u>Examination</u>	<u>% of Total Grade</u>	<u>Minimum Passing Grade</u>
Departmental Merit and Efficiency, assigned by the Police Chief	15%	N/A
Written Examination	30%	60%
Assessment Center	30%	N/A
Oral Interview	20%	60%
Seniority (1/2 of a point per year for each full year of service as a police officer with the Huntley Police Department, not to exceed 5 points)	5%	N/A

In the event an Assessment Center is not authorized in the Village of Huntley Annual Budget, the examinations will be weighted as follows:

Merit and Efficiency 20%; Written Examination 45%; Oral Interview 30%; Seniority 5%

- b) The Chief of Police or his designee as well as a representative of the Village Manager's Office or designee shall be present in the oral examination, but do not have grading authority.
- c) In the event no candidate from the immediate next lower rank qualifies for promotion, the Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.
- d) Candidates, who are otherwise qualified and have timely requested credit for prior military service, shall be granted veteran's preference points as provided by state statute.

2. TOTAL SCORE

A Candidate's total score shall consist of the combined scores of the merit/efficiency rating, written examination and oral examination plus seniority and veteran's preference points. Candidates shall take rank upon a promotional eligibility list in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board, in whatever manner the Board deems appropriate.

3. PROMOTIONAL VACANCY

Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section 1 of this Chapter IV.

§ 32.64 ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE

1. RANK

The order of rank in the Police Department shall be as provided by ordinance and municipal budget.

2. CLASSIFICATION

The Board classifies such offices in the police department for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations.

3. OATH OF OFFICE

Before entering duty, any person about to become a member of the Police Department, shall take the following oath, before any person authorized to administer oaths in the State of Illinois:

"I _____, having been appointed to the office of Police Officer of the Village of Huntley in the counties of McHenry and Kane, in the State of Illinois, do solemnly swear or affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.

Signed _____

Subscribed and sworn to before me this ____ day of _____, 20__.
NOTARY PUBLIC.

He shall enter into such bond in such amount as prescribed by the Ordinance.

§ 32.65 HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

1. HEARING OF CHARGES

- a) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.
- b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.
- c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.

- d) "Cause" is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes cause rests with the Board.
- e) The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by Police Department supervisory staff, is unwarranted. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.
- f) The phrase "preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- g) Probationary Police Officers may be summarily dismissed by the Police Chief, and are not entitled to the protection afforded to other full-time officers by statute or these rules.
- h) All hearings shall be public, in accordance with the Open Meetings Act, unless a closed session is ordered pursuant to an exception provided for by the Act.
- i) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- j) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- k) The records of all hearings will not be transcribed by the court reporter unless requested to do so by the Board or any party of interest.
- l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- m) The Board will first hear the witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer. Thereafter the other party may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party. The Board in its discretion may allow rebuttal evidence and witnesses from either party.

2. HEARING PROCEDURE

- a) **Complaints:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) **Probable Cause:** The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.

- c) **Notification of Hearing:** Upon the filing of a complaint in quintuple with the Secretary of the Board (and subject to the Board's resolution of a party's request for a probable cause determination), the Secretary of the Board shall notify both the complainant and the respondent, either by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the Complaint. The respondent shall also be served with a copy of the Complaint, and if an Order of Suspension Pending a Hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.
- d) **Continuances:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- e) **Stipulations:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

In the event a respondent has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in his position as a result of a decision of the Board following a hearing of the cause, then no compensation shall be paid to said respondent during the period of said continuance.

- f) **Sufficiency of Charges-Objections To:** Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board.

3. SUBPOENAS

- a) Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas will be signed and issued by the Chairman or his designee. Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
- b) Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule.

4. SERVICE

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed, by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

5. FILING

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board at the Village of Huntley, Illinois. Electronic filing via email or other means will be allowed at the discretion of the Board, as long as all documents and attachments are in Microsoft Word format (.doc or .docx) or in Portable Document Form (.pdf). For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Board's Office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper. In the event a party is permitted to file a paper electronically, then the filing date shall be the date the paper is received in the Board recipient's email in-basket.

6. FORMS OF PAPER

- a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- c) All papers shall be not larger than 8 1/2" by 11" with inside margins of not less than one inch.
- d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof (or with a typed signature if electronically filed), and copies thereof provided the opposing party or his counsel. If papers are filed by an attorney, his name and address shall appear thereon.

7. COMPUTATION OF TIME

The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.

8. SUSPENSION

- a) The Board may suspend any non-bargaining unit member of the Police Department against whom charges have been filed, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time, subject to the stipulations for continuances described in Section 2(e) above.
- b) The Chief of the Police Department shall have the right to suspend any non-bargaining unit officer under his command for a period not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within 24 hours of the time of such suspension. Any non-bargaining unit police officer so suspended may appeal to the Board for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Police Commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended the employee and to the employee so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.
- c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the employee so suspended receive his pay for the period involved, may suspend the employee for a period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

9. DATE OF HEARING

The time for the hearing of charges shall be set by the Board, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of a department on one of its members.

10. FINDINGS AND DECISION

In case any member of the Police Department shall be found guilty of the charges filed against him after a hearing by the Board, he may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the employee for an additional period of not more than thirty (30) days or discharge him depending on the facts presented.

The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board. The findings and decision of the Board, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the officer involved and the department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and a suspension, removal or discharge is ordered, such order of suspension, removal or discharge shall become effective forthwith and comply with 65 ILCS 5/10-2.1-17.

11. RULES - CONFLICT

The personnel of the Police Department shall be governed by the Rules as adopted by the Board and the Regulations of the Police Department as adopted by ordinance. In case of conflict, the Rules of the Board shall govern.

12. VIOLATION OF RULES

All members of the Police Department shall be subject to the regulations of such Department, and the Rules of the Board, and a violation of such rules or regulations may be cause for filing of charges before the Board, a subsequent hearing and action by the Board on such charges.

13. VIOLATION OF LAW

Any violation of the laws of the municipality or state or federal law, by any member of the Police Department of such municipality may be cause for the filing of charges against said officer, except as herein otherwise provided.

§ 32.66 GENERAL

1. The Board shall have such other Powers and duties as are given it by the Statutes of the State of Illinois or by ordinance.
2. Any Chapters, Sections and/or Subsections of the foregoing Rules for the operation of the Board that are in conflict with 65 ILCS 5/10-2.1-1 *et seq.*, shall supersede 65 ILCS 5/10-2.1-1 *et seq.* based on the Village and the Board's exercise of their home rule authority. In the event a court of law finds that any Chapters, Sections and/or Subsections of the foregoing Rules are invalid, illegal or unenforceable, such a finding shall not invalidate any other Chapters, Sections and/or Subsections of said Rules.

3. LEAVE OF ABSENCE

After an Officer has availed herself or himself of any applicable provision in the police collective bargaining agreement, Leaves of Absence shall be granted by reason of military service or duty-related disability as specified in Illinois Compiled Statutes, Chapter 65, Section 5/10-2.1-23. If a Leave of Absence is granted by the Board during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

4. POLITICAL CONTRIBUTIONS

No person in the Police Department of the Village of Huntley, Illinois, shall be under any obligation to contribute any funds to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Police Department of the Village of Huntley, Illinois, shall discharge or promote or reduce, or in any manner change the

official rank or compensation of any other person in such service, or promise or threaten so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.

CHAPTER 33: EMERGENCY SERVICES

Section

- 33.01 Establishment
- 33.02 Coordinator
- 33.03 Functions
- 33.04 Service as Mobile Support Team
- 33.05 Agreements with other political subdivisions
- 33.06 Emergency action
- 33.07 Compensation
- 33.08 Reimbursement by the state
- 33.09 Purchases and expenditures
- 33.10 Office
- 33.11 Appropriation; levy of taxes

EMERGENCY SERVICES

§ 33.01 ESTABLISHMENT

(A) There is created the Village Emergency Management Administration (EMA) to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with the “Illinois Emergency Management Act (20 ILCS 3305).”

(B) The EMA shall consist of the Coordinator and such additional members as may be provided by the Board of Trustees.

§ 33.02 COORDINATOR

(A) The Coordinator of the Village EMA shall be appointed by the Village President with the advice and consent of the Board of Trustees and shall serve until removed by the same.

(B) The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the Village President, as provided by statute.

(C) In the event of the absence, resignation, death, or inability to serve as the Coordinator, the Village President or any person designated by him or her shall be and act as Coordinator until a new appointment is made as provided by this chapter.

§ 33.03 FUNCTIONS

The Village EMA shall perform such EMA functions within the Village as shall be prescribed in and by the State EMA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in the “Illinois Emergency Management Act (20 ILCS 3305).”

§ 33.04 SERVICE AS MOBILE SUPPORT TEAM

(A) All or any members of the Village EMA organization may be designated as members of a Mobile Support Team created by the Director of the State EMA as provided by law.

(B) The leader of the Mobile Support Team shall be designated by the Coordinator of the Village EMA organization.

(C) Any member of a Mobile Support Team who is a Village employee or officer while serving on call to duty by the Governor of the state shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any member who is not a paid officer or employee of the Village, while so serving, shall receive from the state reasonable compensation as provided by law.

§ 33.05 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS

The Coordinator of EMA may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the Village President and by the State Director of EMA.

§ 33.06 EMERGENCY ACTION

If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the Village EMA to cooperate fully with the State EMA and with the Governor in the exercise of emergency powers as provided by law.

§ 33.07 COMPENSATION

Members of the EMA who are paid employees or officers of the Village, if called for training by the State Director of EMA, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not Village employees or officers shall receive for training time such compensation as may be established by the Village President.

§ 33.08 REIMBURSEMENT BY THE STATE

The Village Treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the Village for expenses incident to training members of the EMA, as prescribed by the State Director of EMA, compensation for services and expenses of members of a Mobile Support Team while serving outside the Village in response to a call by the Governor or State Director of EMA, as provided by law, and any other reimbursement made by the state incident to EMA activities as provided by law.

§ 33.09 PURCHASE AND EXPENDITURES

(A) The Village President may, on recommendation of the Village Coordinator of EMA, authorize any purchase of contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

(B) In the event of enemy caused or other disaster, the Village Coordinator of EMA is authorized, on behalf of the Village, to procure such services, supplies, equipment, or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligation as authorized by the "Illinois Emergency Management Act (20 ILCS 3305)", provided that if the Village President meets at such time, he or she shall act subject to the directions and restrictions imposed on that body.

§ 33.10 OFFICE

The Village President is authorized to designate space in a Village building, or elsewhere, as may be provided by the Village President, for the Village EMA as its office.

§ 33.11 APPROPRIATION; LEVY OF TAXES

The Village President may make an appropriation and may levy a tax for EMA purposes in the manner provided by law, or as provided by the “Illinois Emergency Management Act (20 ILCS 3305).”

CHAPTER 34: VILLAGE POLICIES

Section

- 34.01 Rate of wages for workers in the construction of public works
- 34.02 Village to be reimbursed for expenses

VILLAGE POLICIES

§ 34.01 RATE OF WAGES FOR WORKERS IN THE CONSTRUCTION OF PUBLIC WORKS

(A) To the extent and as required by “An Act regulating wages of laborers, mechanics, and other workers employed in any public works by the state, county, city, or any public works,” approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics, and other workers engaged in the construction of public works coming under the jurisdiction of the Village is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Kane and McHenry County area as determined by the Department of Labor of the State of Illinois from time to time, a copy of that determination being available for public inspection at the office of the Village Clerk and incorporated herein by reference.

(B) As required by the Act, any and all revisions of the prevailing rate of wages by the state Department of Labor shall apply to any and all public works construction undertaken by the Village. The definition of any terms appearing in this subchapter which are also used in the aforesaid Act shall be the same as in the Act.

(C) Nothing herein contained shall be construed to apply the general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the Village to the extent required by the Act.

(Prevailing Wage Ordinance approved annually in June)

§ 34.02 VILLAGE TO BE REIMBURSED FOR EXPENSES

(A) Any expense billed to a property owner and/or developer, for expenses incurred by the Village for which another party is responsible to reimburse the Village, remaining unpaid for a period of 30 days, shall collect interest at the rate of 1 ½ % per month until the bill is paid.

(B) The Board shall notify all parties currently owing the Village money for service provided at their behalf, that they will also be charged interest at the rate of 1 ½ % per month on any outstanding sums owed to the Village.

CHAPTER 35: TAXATION

Section

Hotel Accommodations Tax

- 35.01 Title
- 35.02 Definitions
- 35.03 Tax imposed; liability
- 35.04 Applicability
- 35.05 Monthly tax returns
- 35.06 Tax records
- 35.07 Intentional non-payment; license suspension
- 35.08 Tax proceeds

- 35.99 Penalty

HOTEL ACCOMMODATIONS TAX

§ 35.01 TITLE

This subchapter shall be referred to as the Village Hotel Accommodations Tax ordinance.

§ 35.02 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HOTEL ACCOMMODATIONS. A room or rooms in any building structure kept, used, or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment, lodging house, dormitory, or place where sleeping, rooming, office, conference, or exhibition accommodations are furnished for lease or rent, whether with or without meals, in which ten or more such accommodations are used or maintained for guests, lodgers, or roomers. The term ***HOTEL ACCOMMODATIONS*** does not include an accommodation which a person occupies, or has the right to occupy, as a domicile and permanent residence.

PERSON. Any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, copartnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. Whenever the term ***PERSON*** is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part owners thereof, and as applied to corporations, the officers thereof.

§ 35.03 TAX IMPOSED; LIABILITY

(A) There is hereby imposed and shall immediately accrue and be collected a tax as herein provided, upon the rental or leasing of any hotel accommodations in the Village at the rate of 5% of the gross rental or leasing charge.

(B) The ultimate incidence of and liability for payment of the tax shall be borne by the lessee or tenant of any such hotel accommodations. The tax herein levied shall be in addition to any and all other taxes. It shall be the duty of every owner, manager, or operator of hotel accommodations to secure the tax from the lessee or tenant of the hotel accommodations and pay over to the Village the tax provided by this subchapter.

§ 35.04 APPLICABILITY

The tax herein levied shall be secured by the hotel owner, manager, or operator from the lessee or tenant when collecting the price, charge, or rent to which it applied. Every lessee or tenant shall be given a bill, invoice, receipt, or other statement or memorandum of the price, charge, or rent payable, upon which the hotel accommodations tax shall be stated, charged, and shown separately. The hotel accommodations tax shall be paid to the person required to collect it as trustee for and on behalf of the Village.

§ 35.05 MONTHLY TAX RETURNS

(A) Every owner, manager, or operator of hotel accommodations within the Village shall file a sworn tax return on a monthly basis with the Village Treasurer and Village Clerk showing tax receipts received with respect to hotel accommodation space rented or leased during the preceding monthly period, upon forms prescribed by the Village. At the time of filing the tax return, the owner, manager, or operator of hotel accommodations shall pay to the Village all taxes due for the period to which the tax return applies.

(B) If for any reason any tax is not paid when due, a penalty at the rate of 2 % per month on the amount of tax which remains unpaid shall be added and collected. Whenever any person shall fail to pay any tax as herein provided, upon the request of the Village, the corporation counsel shall bring or cause to be brought an action to enforce the payment of the tax in behalf of the Village in any court of competent jurisdiction.

§ 35.06 TAX RECORDS

Every owner, manager, or operator of hotel accommodations in the Village shall keep books and records showing the prices, rents, or charges made or charged, and occupancies taxable under this subchapter. The Village Treasurer or Clerk, or a designee, shall at all reasonable times have full access to such books and records.

§ 35.07 INTENTIONAL NON-PAYMENT; LICENSE SUSPENSION

If the President, after hearing held by or for the President, shall find that any person has willfully avoided payment of the tax imposed by this subchapter, he or she may suspend or revoke all Village licenses held by the tax evader. The owner, manager, or operator of the hotel accommodations shall have an opportunity to be heard, any such hearing to be held not less than five days after notice of the time and place of the hearing addressed to the owner, manager, or operator at his or her last known place of business. The suspension or revocation of any license shall not release or discharge the owner, manager, or operator of hotel accommodations from his civil liability for the payment of the tax nor for prosecution of such offense.

§ 35.08 TAX PROCEEDS

All proceeds resulting from the imposition of the tax under this subchapter, including penalties, shall be paid into the treasury of the Village and shall be credited to and deposited in the corporate fund of the Village.

§ 35.99 PENALTY

Any person found guilty for violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of §§ 35.01 through 35.08, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$300 for the first offense and not less than \$200 nor more than \$500 for the second and each subsequent offense in any 180-day period.