

CHAPTER 1

ADMINISTRATION

ARTICLE I - GENERAL CODE PROVISIONS

DIVISION I - TITLE

**1-1-1**        **TITLE.** Upon the adoption by the County Board, this Code is hereby declared to be and shall hereafter constitute the official “**St. Clair County Code**”. The St. Clair County Code shall be known and cited as the “**County Code**”, and it is hereby published by authority of the County Board and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the State’s Attorney, acting for the County Board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading and to the general penalty clause relating thereto as well as to the section itself when reference is made to this County Code by title in any legal document. **(See 55 ILCS Sec. 5/5-29003)**

**1-1-2**        **ACCEPTANCE.** The County Code as hereby presented in printed form shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the County of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8**. **(See 65 ILCS Sec. 5/1-2-6)**

**1-1-3**        **AMENDMENTS.** Any ordinance amending this County Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this County Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this County Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the County Code on an annual basis. **(See 55 ILCS Sec. 5/5-29008)**

**1-1-4**        **CODE ALTERATION.** It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the County Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the County Clerk. Said Code books, while in actual possession of officials and other interested persons shall be and remain the property of the County and shall be returned to the office of the Clerk upon termination of office or separation of duties.

**1-1-5**        **JURISDICTION.** Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the County. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the County to regulate such particular acts outside the corporate limits.

**1-1-6 - 1-1-7**        **RESERVED.**

## **DIVISION II - SAVING CLAUSE**

**1-1-8**        **REPEAL OF GENERAL ORDINANCES.** All general ordinances of the County passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal [**subject to the saving clauses contained in the following sections**], from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Salary Ordinances; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the County; and all Special Ordinances. (See 55 ILCS Sec. 5/5-29009)

**1-1-9 PUBLIC UTILITY ORDINANCES.** No ordinance relating to railroads or railroad crossings with streets and other public ways or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**1-1-10 COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the County herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any ordinance or provision thereof in force at the time of the adoption of this Code.

**1-1-11 SEVERABILITY OF PROVISIONS.** Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

1-1-12 COUNTY CLERK'S CERTIFICATE. The County Clerk's Certificate shall be substantially in the following form:

**COUNTY CLERK'S CERTIFICATE**

STATE OF ILLINOIS	)	
	) ss.	COUNTY CLERK'S OFFICE
COUNTY OF ST. CLAIR	)	

I, Robert Delaney, County Clerk of the **County of St. Clair**, do hereby certify that the following **Revised Ordinances of the County of St. Clair, State of Illinois of 2000**, published by authority of the County Board were published by the County Board of the **County of St. Clair**, approved by the Chairman of the County Board, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **County of St. Clair**, this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

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**ROBERT DELANEY  
COUNTY CLERK  
ST. CLAIR COUNTY, ILLINOIS**

(SEAL)  
(See 55 ILCS Sec. 5/5-29006)

1-1-13 - 1-1-14 RESERVED.

**DIVISION III - DEFINITIONS**

**1-1-15**     **CONSTRUCTION OF WORDS.** Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

**1-1-16**     **DEFINITIONS.** Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

**"AGENT"**, as used in this Code shall mean a person acting on behalf of another.

**"CODE" OR "THIS CODE"**, shall mean the **"St. Clair County Code"**.

**"COUNTY"** shall mean the **County of St. Clair, in the State of Illinois.**

The words "in the county" or "within the county" mean and include all territory over which the county now has or shall hereafter acquire jurisdiction for the exercise of its powers or other regulatory powers.

**"COUNTY BOARD"**. The words "County Board" mean the County Board of St. Clair County, Illinois.

**"COUNTY CHAIRMAN"** as used in this Code shall mean the Chairman of the County Board of St. Clair County.

**"DISTRICT"** means a County Board district established as provided in this Code.

**"FEE" OR "FEES"** as used in this Code shall mean a sum of money charged by the County for carrying on of a business, profession or occupation.

**"FISCAL YEAR"**. The "fiscal year" for the County shall begin on **December 1st of each year and end on November 30th of the following year. (See 65 ILCS Sec. 5/1-1-2[5])**

**"KNOWINGLY"** imports only a knowledge that the facts exist which bring the act or mission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

**"LEGAL HOLIDAY"** shall mean the holidays as authorized and recognized by the County Board in the employee agreement.

**"LICENSE"** as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

**"MAY"**. The word "may" is permissive.

**"MEMBER" OR "BOARD MEMBER"** means a person elected to serve on the County Board.

**"MISDEMEANOR"** as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

**"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY"** import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

**"NUISANCE"** shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the County or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

**"OCCUPANT"** as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**"OFFENSE"** shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

**"OFFICERS AND EMPLOYEES"**. Whenever reference is made in this Code to a County Officer or employee by title only, this shall be construed as though followed by the words "**of the County**" and shall be taken to mean the officer or employee of this County having the title mentioned or performing the duties indicated.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the County Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

**"OFFICIAL TIME"**. Central Standard Time shall be the official time for the transaction of County business, except during applicable Daylight Savings Time set by National or State

standards when the official time shall be advanced one (1) hour. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the County shall be set and run at the official time prescribed by this paragraph.

**"OPERATOR"** as used in this Code shall mean the person who is in charge of any operation, business or profession.

**"OWNER"** as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

**"PERSON"** shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

**"PERSONAL PROPERTY"** shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**"PLAN COMMISSION"** shall mean the St. Clair County Planning Commission.

**"RETAILER"** as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

**"SHALL"**. The word "shall" is mandatory and not discretionary.

**"STATE" OR "THIS STATE"** unless otherwise indicated shall mean the "State of Illinois".

**"STREET"** shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

**"TENANT"** as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**"TOWNSHIP" OR "TOWN"** shall apply interchangeably to the type of government organization established in accordance with the provisions of the "Township Law of 1874". (See 10 ILCS Sec. 5/1-3)

**"WHOLESALE" AND "WHOLESALE DEALER"** as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

**"WILLFULLY"** when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

**"WRITTEN" AND "IN WRITING"** may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

**1-1-17 CATCHLINES.** The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

**1-1-18 - 1-1-19 RESERVED.**



**DIVISION IV - GENERAL PENALTY**

**1-1-20**      **PENALTY.**

(A)            Any person convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**.

(B)            Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois**.

(C)            Whoever commits an offense against the County or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D)            Whoever willfully causes a n a c t t o b e d o n e w h i c h, i f d i r e c t l y performed by him or another would be an offense against the County, is punishable as a principal.

(E)            All county ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated. **(See 55 ILCS Sec. 5/5-1113)**

**1-1-21**      **APPLICATION.**

(A)            The penalty provided in this Chapter shall be applicable to every section of this County Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this County Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this County Code.

(B)            In all cases where the same offense is made punishable or is created by different clauses or sections of this County Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C)            Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this County Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

**1-1-22**      **LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any 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 for.

**ARTICLE II – COUNTY BOARD CHAIRMAN**

**1-2-1**        **ELECTION OF CHAIRMAN.** The Chairman of the County Board shall be elected for a term provided for by Illinois law and shall serve until a successor is elected and has qualified.

**1-2-2**        **DUTIES OF THE CHAIR.** The County Board Chairman shall preside at all meetings of the County Board. The Chairman shall also be responsible for all personnel decisions involving County Board employees including, but not limited to hiring, discipline, promotions, assignments and firing.

**1-2-3**        **COUNTY BOARD COMMITTEES.**

(A)        **Appointed.** The following standing committees of the County Board shall be appointed by the Chairman of the County Board, at the regular meeting in January. Each standing committee may establish sub-committees, as may be necessary.

- |                            |                                |
|----------------------------|--------------------------------|
| (1)    Judiciary           | (8)    Public Safety           |
| (2)    Finance             | (9)    Executive               |
| (3)    Transportation      | (10)    Trustee                |
| (4)    Property/Recreation | (11)    Grants                 |
| (5)    Environment         | (12)    Management Information |
| (6)    Labor Management    | (13)    Audit Implementation   |
| (7)    Animal Services     | (14)    Economic Development   |
|                            | (15)    Emergency Readiness    |

(Ord. No. 06-894; 01-30-06)

(B)        **Number.** The committee shall consist of not less than **five (5)** and not more than **seven (7)** voting members, excluding the executive committee. The County Board Chairman shall be a non-voting member of all committees.

(C)        **Executive Committees.** The membership of the executive committee shall consist of the chairmen of the standing committees.

(D)        **Quorum.** Each committee shall have a majority of its members present in order to conduct business.

(E)        **Notice of Meetings.** Notice shall be given in advance to the Executive Secretary of the Board of the time and place of the meeting of all committees, and committee meetings shall be open to the public. Any person desiring to attend a committee meeting shall not be allowed to mingle with the members of the committee while the meeting is in progress and any spectator attending a committee meeting may be privileged to speak before the committee by a vote of the majority of the committee members.

(F)        **Chairman Appointed.** The Chairman of the Board shall appoint a chairman and an assistant chairman for each standing committee. The assistant chairman shall serve as secretary for the standing committee, taking minutes of each meeting of the standing committee, and presenting the minutes to the Executive Secretary of the Chairman of the Board following each meeting.

**1-2-4**        **VACANCY.** If a vacancy occurs in the office of the Chairman of the County Board, the remaining members of the Board shall elect **one (1)** of the members of the Board to serve for the balance of the unexpired term of the Chairman.

**1-2-5**            **VICE-CHAIRMAN.** The Chairman of the County Board may appoint a member of the County Board at the regular January meeting or anytime thereafter if a vacancy arises, a Vice-Chairman who shall serve at the pleasure of the Chairman. The Vice-Chairman shall serve as presiding officer whenever the Chairman is absent or unable to attend the meeting. In case of the absence of the Chairman, Vice-Chairman and Parliamentarian at any meeting, the Clerk shall convene the meeting and the members present shall choose **one (1)** of their number as Temporary Chairman. **(Ord. No. 03-790; 04-28-03)**

**1-2-6**            **PARLIAMENTARIAN.** The Chairman may appoint a member of the County Board at the regular January meeting or anytime thereafter if a vacancy arises, a Parliamentarian who shall serve at the pleasure of the Chairman of the County Board. The Parliamentarian shall assist in the maintenance of the county code and serve as presiding officer of the County Board whenever the Chairman or Vice-Chairman is absent. **(Ord. No. 03-790; 04-28-03)**

**1-2-7**            **REMOVAL OF APPOINTEES.** Any person appointed by the Chairman of the County Board, may be removed by the Chairman of the County Board, with the advice and consent of the County Board. Any person appointed to a position not requiring the advice and consent of the County Board may be removed at any time by the Chairman of the County Board. **(Ord. No. 03-790; 04-28-03)**

**1-2-8**            **EXECUTIVE SECRETARY.** The County Board Chairman, with the advice and consent of the County Board, shall appoint an Executive Secretary to assist the Chairman in the handling of the affairs of the County Board and to serve the needs and interests of the various committees. The compensations shall be established in the annual budget. **(Ord. No. 03-790; 04-28-03)**

**1-2-9**            **COUNTY REPRESENTATIVE DESIGNATED BY THE CHAIRMAN.** The County Board Chairman shall be designated as the County Board representative at any meeting or convention. The Chairman may designate **one (1)** or more County officials, board members or employees to assist or represent him in the transaction of official County business at such convention or meeting. **(Ord. No. 03-790; 04-28-03)**

**1-2-10**          **EXPENSE CLAIMS; CONVENTION.** All persons designated by the County Board Chairman to represent the County shall obtain authorization from the Chairman if they expect to have their expenses reimbursed by the County. **(Ord. No. 03-790; 04-28-03)**

ARTICLE III – COUNTY BOARD

**1-3-1**        **MEMBERSHIP.** The County Board shall consist of **twenty-nine (29) members** elected from **twenty-nine (29) districts** as prescribed by statute. (See 55 ILCS Sec. 5/2-3002) (Ord. No. 91-249; 01-28-91)

**1-3-2**        **TERM – SALARY.** Pursuant to H.B. 3780, terms of County Board Members shall be staggered beginning with the first general election following the census. The Board districts shall be divided into **three (3) groups** with **Group One** having consecutive terms of **two (2) years, four (4) years, and four (4) years.** **Group Two** shall have consecutive terms of **four (4) years, two (2) years and four (4) years.** **Group Three** shall have consecutive terms of **four (4) years, four (4) years and two (2) years.** **Group One** will consist of **nine (9) County Board Districts;** **Groups Two and Three** will consist of **ten (10) County Board Districts.** A selection by lot consistent with Illinois Law and approved by resolution of the County Board will determine which districts are in each group. The term of office shall commence on the **first (1<sup>st</sup>) Monday in December** following their election. The salaries for County Board Members are established in **Section 1-8-2** in this Chapter. (Ord. No. 92-353; 08-31-92)

**1-3-3**        **VACANCY.** If a vacancy occurs on the County Board, the Chairman of the County Board, with the advice and consent of the County Board, shall, within **sixty (60) days** of the date the vacancy occurs, appoint some person, possessing the qualifications of a Board Member, to serve until the next election of County Board members in the County at which time an election shall be held to fill the vacancy for the unexpired term, according to the (See 55 ILCS Sec. 5/2-3009)

**1-3-4**        **MEETINGS; REGULAR.** Monthly meetings of the County Board shall be held at **seven thirty (7:30) P.M.** at the County Building on the **last Monday** of each month, unless otherwise ordered.

**1-3-5**        **SPECIAL MEETINGS.** Special meetings of the Board shall be held only when requested by at least **one-third (1/3)** of the members of the Board or by the Chairman of the County Board, which request shall be in writing, and specifying the time and place of such meeting, upon reception of which the Clerk shall immediately transmit notice, in writing, of such meeting, to each of the members of the Board. The Clerk shall also cause notice of such meeting to be published in some newspaper printed in the County and presented to the Clerk of the Board at least **four (4) days** prior to the date of said meeting. (See 55 ILCS Sec. 5/2-1001 and 55 ILCS Sec. 5/2-1002)

**1-3-6**        **QUORUM; MAJORITY VOTE.** A majority of the County Board members shall constitute a quorum for the transaction of business at any regular or any duly called special meeting, and all questions which shall arise at meetings shall be determined by the vote of the majority of the County Board members present, except as otherwise provided.

**1-3-7**        **APPOINTED OFFICIALS.** All persons appointed by the Chairman of the St. Clair County Board shall be residents of the County. All persons appointed by the Chairman who are not residents of the County shall be approved by the County Board.

ARTICLE IV – COUNTY BOARD RULES

**1-4-1**      **RULES OF THE BOARD.** The following rules of order and procedures shall govern the deliberations and meetings of the County Board.

(A)      **Order of Business.** The order of business shall be as follows:

- (1) Call to order by the Chairman of the Board.
- (2) Opening prayer by the Chairman, or someone.
- (3) Pledge of Allegiance to the U.S. Flag.
- (4) Roll call.
- (5) The approval of the minutes of the previous meetings or meeting. Minutes are to contain motions, reports and other pertinent information.
- (6) Reports and communications from the Chairman.
- (7) Reports from elected and appointed officials of the County.
- (8) Reports of all standing committees shall be in writing and signed by all members who attended the committee meeting.
- (9) Reports of special committees shall be in writing.
- (10) Minority reports, if such are signed by **two (2)** committee members.
- (11) Reading and disposition of bill to be paid.
- (12) Other communications, petitions, and reports from any County Board Member.
- (13) Unfinished business.
- (14) Miscellaneous business.
- (15) New business.
- (16) Vote for adjournment to a certain fixed date, by roll call vote.

All questions relating to the priority of business shall be decided by the Chair, with debate, subject to appeal.

(B)      **Duties of Presiding Officer.** The Presiding Officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order, subject to appeal. In case of any disturbances or disorderly conduct, the Presiding Officer shall have the power to require the meeting room to be cleared. All resolutions and ordinances originating outside of the County Board, its members or its committees, shall be directed by the Chair of the Board to the proper committee for consideration.

(C)      **Duties of Members.** While the Presiding Officer is putting the questions, no member shall walk across or out of the meeting room. Every member, prior to speaking or making a motion or seconding a motion, shall rise from his seat and address himself to the Presiding Officer and say, “**Mr. Chairman**”, and shall not proceed with his remarks until recognized by the Chair. He shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any member’s argumental remarks until recognized by the Chair. When **two (2)** or more members rise at the same time, the Presiding Officer shall name the member who is first to speak. In addressing the Board, members shall speak from their places.

(D)      **Permission to Leave Meeting.** A member wishing to absent himself from the balance of a meeting while the meeting is in session shall first obtain consent from the Chairman of the Board.

(E) **Visitors.** No person other than a member of the Board may be given the floor to address the Board. Any person not a member of the Board desiring to present a subject to the Board shall do so by first presenting same to the proper standing committee of the Board. A member or members of the committee shall present the matter to the Board for such person, firm or corporation.

(F) **Resolutions and Ordinances.** Resolutions and ordinances shall be submitted to the proper committee **ten (10) days** prior to consideration of the Board.

(G) **Presentation of New Business.** When a member wishes to present a communication, petition, or other original matter, he shall send it to the desk of the Clerk prior to the meeting, who shall read such matter when reached in its proper order on the agenda. All proposals which call for the expenditure of money or for the restructuring of County government shall not be considered by the County Board until the proper committee has reviewed the proposal.

(H) **Debate.** No member shall speak more than once on the same question, except by consent of the Chairman, and then only after all other members desiring to speak have done so; provided, however, that the proponent of the matter under consideration or the Chairman of the Committee whose report is under consideration, or as the case may be, shall have the right to open and close debate. No member shall speak longer than **five (5) minutes** at one time, except by consent of the Board, and in closing debate on any question, as above provided, the speaker shall be limited to **two (2) minutes**, except by special consent of the Chairman.

(I) **Appeals from Decisions of the Chair.** Any member may appeal to the Board for a ruling of the Chair, and if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the Chairman may briefly explain his ruling; but there shall be no debate of the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, **"Shall the decision of the Chair be sustained?"** If a majority of the members present and voting, vote **"NO"**, the decision of the Chair shall be overruled; otherwise it shall be sustained.

(J) **Questions of Personal Privilege.** The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

(K) **Voting.** Every member who shall be present when a question is stated from the Chair, shall vote thereon, unless excused by the Board, or unless he is personally interested in the question, in which case, he shall not vote except as otherwise provided by law.

(L) **Seconding of Motions Required: Written Motions.** No motion shall be put or debated in the Board or in the committee unless it be seconded. When a motion is seconded, it shall be stated by the Presiding Officer before debate, and every motion in the Board, except motions or procedure, shall be reduced to writing, if required by a member, and the proposer of the motion shall be entitled to the floor.

(M) **Withdrawal of Motions.** After a motion or resolution is stated by the Chairman, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before the vote on the motion is announced by the Chairman, by the mover with consent of his second.

(N) **Division of Questions.** If any question under consideration contains several distinct propositions, the Board, by majority of those present and voting, may divide such question.

(O) **Recording of Motions.** In all cases where a resolution or motion is entered in the minutes, the name of the member moving the same shall be entered also.

(P) **Taking and Entering the Votes – Explanations of Votes Not Permitted.** If any member requires it, the Yeas and Nays upon any question shall be taken and entered in the minutes, but the Yeas and Nays upon any question shall not be taken unless called for, prior to any vote on the question. When the Clerk has commenced to call the roll for the taking of a vote of  
Yeas

and Nays, all debate on the question before the Board shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by answering of "Yea" or "Nay", as the case may be.

(Q) **Announcement of Changes of Votes.** The result of all votes of Yeas and Nays shall not be announced by the Clerk, but shall be handed by him to the Chairman for announcement, and no vote shall be changed after the vote has been announced by the Chairman.

(R) **Presence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

- (1) To adjourn to a certain day.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) To previous question.
- (6) To refer or commit.
- (7) To amend.
- (8) To defer or postpone to a certain time.
- (9) To defer or postpone without reference to time.
- (10) To defer or postpone indefinitely.

Numbers 2, 4 and 5 to be decided without debate.

(S) **Motion to Adjourn.** Motion to adjourn the Board meetings shall always be in order, except:

- (1) When a member is in possession of the floor.
- (2) While the yeas and nays are being called.
- (3) When the members are voting.
- (4) When the adjournment was the last preceding motion.
- (5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

(T) **Previous Question.** When the previous question is moved on the main question and seconded, it shall be put in this form: "**Shall the main question not be put?**" If such motion be carried on further amendment, and all further motions and debates shall be excluded, and the question put without delay upon the pending amendments in proper order, and them upon the main question.

(U) **Motions to Lay on the Table and Take from the Table.** A motion to simply lay a question on the table shall not be debatable; but a motion to lay on the table and publish, or with any other conditions, shall be subject to amendment and debate. A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid on the table, provided **two-thirds (2/3)** of the members present and voting, vote therefore. A motion to lay any particular motion or proposition on the table, shall apply to that motion or proposition only. An amendment to the main question or other pending questions may be laid on the table, and neither the main motion nor such other pending questions shall be affected thereby.

(V) **Indefinite Postponement; Motion to Defer or Postpone Without Any Reference to Time.** When consideration of the motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting. A motion to postpone indefinitely shall not open the main question to debate. A motion to defer or postpone without reference to time shall not be

construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature, and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a certain time.

(W) **Motion to Refer.** A motion to refer to a certain committee shall take precedence over a similar motion to refer to a special committee.

(X) **Motion to Amend.** A motion to amend shall be in order, but one to amend an amendment to an amendment shall not be entertained. An amendment modifying the intention of a motion shall be in order. On an amendment to strike out and insert, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read. An amendment to the main question or other pending questions may be referred to a committee, and neither the main question, nor such other pending questions, shall be affected thereby.

(Y) **Filling of Blanks.** When a blank is to be filled, and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

(Z) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained notwithstanding that as such time further amendment is admissible, and, if accepted by the Board by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(AA) **Reconsideration.** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be considered. A motion to reconsider must be made and seconded by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes are required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

(BB) **Adoption of "Robert's Rules of Order Revised".** The Rules of Parliamentary Practice comprised in the latest published edition of "Robert's Rules of Order Revised" shall govern the Board in all cases in which they are applicable and in which they are not inconsistent with the special rules of this Board.

(CC) **Temporary Suspension of Rules; Amendment of Rules.** The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and the same shall be mailed to the members, **three (3) days** prior to the meeting, at which it is to be presented and considered. All rules shall remain in effect until such time as new rules are adopted by the Board by ordinance upon the recommendation of the Judiciary Committee.

(DD) **Agenda.** The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and the same shall be mailed to the members, **three (3) days** prior to County Board Meeting.

**1-4-2 AMENDMENTS TO THE RULES OF THE BOARD.** No amendments shall be made to the "Rules of the Board", without the approval of a **two-thirds (2/3) vote** of the members present and voting, by roll call vote. Any proposed change in the rules shall be mailed to the County



Board members at least **three (3) days** prior to the meeting, at which it is to be presented and considered. All rules shall remain in effect until such time as new rules are adopted by the Board by ordinance upon the recommendation of the Judiciary Committee.

The following are provided for informational purposes only and shall not be law:

(A) **Ordinances.** The County Board shall use an "Ordinance" when passing a law which prescribes a rule of conduct, which is to have a continuing or permanent force and effect. Ordinances shall be used for all laws amending or adding thereto, the "Revised Code of Ordinances", for all highway regulations and other areas required by the **Illinois Compiled Statutes.**

(B) **Resolutions.** The County Board shall use a resolution when they are expressing an opinion which is of a special or temporary character applicable only to a single matter of passing moment. It is used as a vehicle of stating a formal expression of the opinion or will of the County Board.

(C) **Motion.** A motion is a proposal or suggestion looking to action in the County Board. The County Board can act only by ordinance or resolution. **(See 104 N.E. 685) (262 IL. 392)**

ARTICLE V – STANDING COMMITTEES

**1-5-1**        **GENERAL DUTIES OF ALL COMMITTEES.** All standing or special committees shall have the following responsibilities:

- (A)            To act on all matters referred to the Committee by the Chairman of the Board or by the Board itself.
- (B)            With the aid of the Auditor and the Finance Committee, to keep informed concerning appropriations and budget activities under the control of the committee.
- (C)            To keep written minutes and to report monthly to the County Board, the activities and substance of all meetings.
- (D)            To file minutes of each meeting with the County Board Secretary.
- (E)            To originate and prepare Resolutions and Ordinances relating to the area of the Committee's jurisdiction.
- (F)            Prior to a vote on any agenda item, the Chairperson shall ask for public comment. The Chairperson shall ask that public comment be restricted to the agenda item being voted upon. A time limit not to exceed **two (2) minutes** shall be imposed for each individual who wishes to speak. The Chairman may extend the time if appropriate.
- (G)            Prior to adjournment of a committee meeting, the Chairperson may ask for public comment concerning relevant topics associated with the Committee's specific responsibilities. These individuals should ask to be on the agenda ahead of time with the topic stated so they can be assigned the correct committee and the Chair will be aware of what is expected.
- (H)            The Chairperson retains the ability to maintain the order of the meeting and to react accordingly in the event someone is out of order. **(Ord. No. 91-301; 09-30-91)**

**1-5-2**        **SPECIFIC FUNCTIONS OF THE COMMITTEE.** The specific functions of the County Board Standing Committees are as follows:

- (A)            **Finance Committee.** The committee shall:
  - (1)            Determine and approve the total amount of personnel and non-personnel expenditures in all departments of County government.
  - (2)            Supervision of all County finances, including, but not limited to the annual budget appropriation ordinance, tax levy, claims and expenses.
  - (3)            Exercise continuous review of expenditures in order to preserve proper balance between budgeted amounts and expenditure amounts.
  - (4)            Recommend fees and salaries, where they are not otherwise fixed by law.
  - (5)            Review official bonds not provided by statute.
  - (6)            Review and direct all insurance programs.
  - (7)            Review all audits of departments and special funds.
  - (8)            Establish a centralized office for all County employees for personnel records, benefits, insurance and the retirement program.
  - (9)            Supervise the procedures, policies and administration of the Director of Purchasing, to assure proper implementation of the County "Purchasing Code".
  - (10)           Supervise the awarding of purchasing contracts for the County Board.
  - (11)           Review and approve the budgetary requests of Mental Health Board.

- (12) Prepare a personnel code for County employees.
- (13) Review the annual audit to determine what action is required to implement the recommendations made by the outside auditing firm.
- (14) Assist each department in the implementation of each recommendation as it pertains to that department.
- (15) Report to County Board the progress of implementation.
- (16) Review all special audits and their recommendations. **(Ord. No. 97-609; 07-28-97)**

(B) **Judiciary Committee.** This committee shall:

- (1) Prepare and/or review all resolutions, ordinances and policies from all committees and county officials.
- (2) Keep the County Code up-dated with all revisions on an annual basis.
- (3) Review all matters pertaining to elections, precinct designations and County Board Districts.
- (4) Review and analyze all local, state and federal legislation affecting County government.
- (5) Review the minutes of all Board meetings as to their accuracy and omissions.
- (6) Review County laws annually and prepare and submit recommendations for change.

(C) **Environment Committee.** This committee shall:

- (1) Exercise general supervision over the Zoning and Mapping and Platting Departments.
- (2) Review the budget transfers of the Department managers.
- (3) Approve all subdivision plots, planned unit developments, zoning permits, zoning variances, and zoning amendments.
- (4) Prepare and recommend a mobile home code, flood plain code, fire code, building code, subdivision code, zoning code, plumbing code, housing code, electrical code, nuisance code, health code, and to review them annually for necessary revisions.
- (5) Act as a liaison between the Board and to cooperate with the Zoning Board of Appeals, Southwestern Illinois Metropolitan Area Planning Commission and all municipal planning commissions and zoning boards to provide long range planning for land use and to protect the environment.
- (6) Review status changes in the Zoning and Mapping and Platting Departments.
- (7) Review the enforcement procedures of the County, relative to all County environmental codes.

(D) **Property and Recreation Committee.** This committee shall:

- (1) Review and direct the maintenance of all County buildings and facilities, including county parks.
- (2) Work as a liaison for the Board with the Public Building Commission in so far as all County Buildings are concerned.
- (3) Review and approve budget transfers from Foley Park.
- (4) Prepare rules and regulations for the operation of all facilities under the control of the County.

- (5) Recommend additional buildings and facilities as needed.
  - (6) Review monthly reports presented to Public Building Commission on the operation and maintenance of Mid America Airport. **(Ord. No. 97-609; 07-28-97)**
- (E) **Public Safety Committee.** This committee shall:
- (1) Assist the Departments and Agencies in complying with the Illinois Right-to-Know Law.
  - (2) Recommend methods for promoting safety throughout the County.
  - (3) Supervise the operation of the Emergency Services and Disaster Agency.
  - (4) Review all accidents to property and people. Analyzing trends, and recommending appropriate action where necessary, except litigation review. **(Ord. No. 88-101; 04-28-88)**
  - (5) Establish a system for handling employee safety suggestions.
  - (6) Develop a new employee safety orientation program.
  - (7) Establish a safety inspection program.
  - (8) Develop or revise safety rules and procedures.
  - (9) Promote a safety contest or awards program.
  - (10) Provide or arrange special training programs. (Accident Investigations, Driver Training, etc.)
  - (11) Communicate current and proposed regulatory requirements to departments or agencies.
  - (12) Develop and implement specific accident prevention activities.
  - (13) Review, update and prepare an annual report on the status of the County Risk Control Program.
  - (14) Review supervisors' safety activity reports. (If required.)
  - (15) Review minutes of Departmental Safety Committees. (If required.) **(Ord. No. 90-210; 08-27-90)**
- (F) **Transportation Committee.** This committee shall:
- (1) Review and approve the annual budget requests and expenditures proposed by the Highway Superintendent.
  - (2) Oversee management, construction, and maintenance of County highways, including bridges and grade separations.
  - (3) Review contracts for major construction and maintenance projects in connection with transportation activities.
  - (4) Oversee acquisition and disposition of County Highway Rights-of-Way. **(Ord. No. 97-609; 07-28-97)**
  - (5) Approve the purchase of County-owned highway equipment and rental of temporarily needed equipment.
  - (6) Oversee the construction of jointly-sponsored bridges with townships, municipalities, and Illinois Division of Highways.
- (G) **Trustee Committee.** This committee shall:
- (1) Review the tax assessing and tax collecting programs of the County.
  - (2) Supervise the delinquent tax sale program. The Committee shall be authorized to extend the final payment date for the purchaser of property to a maximum of **six (6) months** past the original **sixty (60)**

**day** payment period. If the purchaser is occupying the property as his or her place of residence, the final payment date may be extended to a maximum of **twelve (12) months** past the original **sixty (60) day** payment period.

In addition the Committees may extend the final payment date for a person requesting a reconveyance to a maximum of **six (6) months**. If the person requesting the reconveyance occupies the property as a principal place of residence, the final payment date may be extended to a maximum of **twelve (12) months**. Provided, however, all requests for extensions of final payments beyond the above authorized periods shall be referred to the full County Board for approval. When granting extensions, the Trustee Committee and the full County Board will consider, among other things, the following criteria: **(Ord. No. 95-496; 01-30-95)**

- (a) The petitioners history of payment on the parcel for which the extension is requested.
- (b) The petitioners history of payment on other parcels.
- (c) The amount of money owed compared to purchase price.
- (d) Petitioners payment of taxes on other parcels of property owned in St. Clair County.
- (e) Petitioners ability to borrow money from a conventional source.
- (f) Economic conditions in the taxing districts involved.
- (g) Economic conditions in the neighborhood in question.
- (h) Number of bidders on the parcel in question and for similar surrounding parcels.
- (i) Investment made by purchaser in this property. (i.e. insurance purchased, improvements made, property maintained)
- (j) Long-term owner or a speculator using the tax cycle to secure interest free loans.
- (k) Local governments voiced support for this purchase.
- (l) Interest of purchaser outweighs those of the other citizens in the taxing districts involved.

(3) Work as the Board's liaison with the County Assessor and Board of Review to determine what changes are necessary to operate a successful tax assessment system.

(4) Act in the County's interest at the annual Tax Sale under the Scavenger Act. **(Ord. No. 90-211; 08-27-90)**

(H)

**Economic Development.** The Committee shall:

- (1) Receive reports and briefings from the Economic Development Director with respect to the marketing of the County to new and expanding businesses and industries.
- (2) Receive confidential reports regarding prospective developments.
- (3) Receive summaries of business loans approved by the Loan Committee Economic Development Department.

- (4) Review and approve industrial revenue bond requests in concert with the Finance Committee.
- (5) Review and approve future revisions to the boundaries of the American Bottoms Enterprise Zone and the St. Clair County MidAmerica Enterprise Zone, including the incentives offered within those Zones.
- (6) Appoint **one (1) member** to serve on the Loan Committee of the Economic Development Department.

**(Ord. No. 05-880; 08-29-05)**

- (I) **Grants Committee.** This committee shall:
  - (1) Review the proposals submitted by the Intergovernmental Grants Department prior to the submission on funding.
- (J) **Animal Services Committee.** This committee shall:
  - (1) Implement all facets and programs necessary to effect the intentions of the Animal Control Act.
  - (2) Supervise all activities of the Animals Services Department.
  - (3) Act as a liaison for the Board and the municipal governments affected by this program.
  - (4) Review and approve all budget transfers of the Animal Administrator.
- (K) **Management Information Committee.** This committee shall:
  - (1) Provide guidance and input to the Data Processing Department.
  - (2) Serve as liaison between the Data Processing Department and other County departments and offices, as needed and as requested by the Data Processing Manager.
  - (3) Coordinate all management information efforts by the County, including, but not limited to the Data Processing Department, Microfilm Department and other offices and departments needing to update information systems or to establish such systems.
  - (4) Review and approve all hardware, software and service proposals and purchases from the Data Processing Department prior to bid letting.
  - (5) Other duties and assignments as established by the County Board Chairman.
- (L) **Labor/Management Committee.** This committee shall:
  - (1) Negotiate with bargaining units representing employees of St. Clair County.
  - (2) Negotiate, review and resolve any differences that may arise between labor and management.
  - (3) Any other labor/management related duties as may arise as requested by the Chairman of the County Board or the County Board. **(Ord. No. 214-86; 12-29-86)**
- (M) **Special Committees.** These committees shall be established as the need arises by resolution of the County Board at a regularly called meeting.
- (N) **Emergency Readiness Committee.** This committee shall:
  - (1) Establish both intra-governmental and inter-governmental procedures and protocols for the county-wide coordination of resources in the event of a county-wide disaster.

- (2) Ensure that existing and future emergency readiness plans are congruent with and in accordance with applicable state and federal statutes.
- (3) Increase community awareness of emergency response plans and the necessity for resources to achieve effective coordination of such plans.
- (4) Educate the community on what the individuals should do in the event of an emergency and what their role may be thereafter.
- (5) Act in cooperation with the existing "Local Emergency Planning Committee" to ensure proper coordination of emergency preparedness efforts.

**(Ord. No. 06-894; 01-30-06)**

(O) **Stormwater Management Planning Committee.** The County Stormwater Management Committee is hereby established.

- (1) The membership shall consist of equal numbers of County Board and municipal representatives from not less than **six (6) areas** of approximately equal population located in St. Clair County.
- (2) The Committee's membership and duties shall be consistent with **55 ILCS 5/5-1062.2.**

**(Ord. No. 07-944; 07-30-07)**

**1-5-3** **AFFIRMATIVE ACTION REPRESENTATIVE.** The County Board Chairman shall appoint a Board Member to represent the County Board on the Affirmative Action Committee.

**(Ord. No. 91-249; 01-28-91)**

**ARTICLE VI – APPOINTED OFFICIALS**

**1-6-1            TERM OF APPOINTED OFFICIALS.**

(A)            **Terms of Office.** All of the officials appointed in this Article by County Board Chairman with the advice and consent of the County Board and shall serve a term of **two (2) years**. The term of office shall begin at the first meeting in December of the County Board following the general election wherein the County Board members are elected.

(B)            **Salaries.** All appointees shall receive a salary as provided for in the annual budget.

(C)            Pursuant to the Article, the following officers shall be appointed at this meeting:

- County Administrator
- Economic Development Director (**Ord. No. 05-880**)
- Purchasing Department Manager
- Emergency Services and Disaster Agency Coordinator
- Intergovernmental Grants Director
- Zoning Department Manager
- Mapping and Platting Manager
- Data Processing Manager
- Park Superintendent
- Personnel Manager
- Animal Services Manager
- Health Insurance – Privacy Official

**1-6-2            ADMINISTRATOR.**

(A)            **Duties.** The Director of Administration shall manage and direct the County Board Administrative structure under the supervision of the County Board Chairman. The Director shall supervise and execute the implementation of County Board policies. The Director shall develop recommendations for policy changes. The Director shall work with the County Board Committees, Department Heads, Staff Personnel and other Elected Officials in performing their respective duties. The Director shall provide administrative management and direction to the officials appointed in **Section 1-6-1**.

- (1) Data Processing Manager
- (2) Mapping and Platting Manager
- (3) E.S.D.A. Coordinator
- (4) Zoning Department Manager
- (5) Courthouse
- (6) Purchasing Manager
- (7) Parks and Recreation Superintendent
- (8) Personnel Manager
- (9) County Budget Officer
- (10) Animal Services Manager
- (11) Health Insurance – Privacy Official

The County Administrator shall represent the County at the direction of the County Board Chairman.



**1-6-3            PURCHASING DEPARTMENT MANAGER.**

(A)            **Duties.** The Purchasing Manager shall purchase or contract for all supplies, materials, equipment, contractual services, insurance, and surety bonds required by any office, department, institution or agency of the County Government; negotiate leases and rental agreements; enforce standard specifications which apply to all supplies, materials, and equipment purchased for the County Government; verify that adequate budget appropriations are available prior to issuing purchase orders; expedite purchase orders as required; establish and have charge of a central storeroom to store supplies for any office, department, institution or agency; transfer items between the various units, trade in and sell supplies, materials, and equipment which are surplus, obsolete or unusable; direct the delivery of items purchased to the requisitioning unit; and perform other duties as assigned by the Director of Administration or the Purchasing Subcommittee. He shall implement the Purchasing Code of St. Clair County. He shall be familiar with governmental purchasing procedures and regulations and the applicable County ordinances and Illinois State laws; advertise for bids when items estimated to cost in excess of **Twenty Thousand Dollars (\$20,000.00)** are required; negotiate and persuade vendors to provide quality merchandise at reasonable prices and on acceptable delivery dates; and maintain effective working relationships with elected officials, department heads and vendors.

(B)            **Microfilming.** The Manager shall be responsible for the supervision of all employees in his department. He shall preserve and maintain all records on microfilm as provided by State Statutes, and shall maintain a system of organized files for easy retrieval of microfilm records. He shall prepare the annual budget request.

**1-6-4            COUNTY BUDGET OFFICER.**

(A)            **Preparation of Budget.** The Budget Officer shall prepare the annual budget under the direction of the County Administrator.

(B)            **Duties.** The duties of the Budget Officer shall be as prescribed by the Finance Committee and the County Board Chairman.

**1-6-5            PERSONNEL MANAGER.**

(A)            **Duties.** The Personnel Manager shall be responsible for the supervision of all employees in the Personnel and Fringe Benefits Department, shall maintain accurate personnel records, accurate payroll records, and shall do any other tasks as requested in other ordinances passed by the County Board.

**1-6-6            EMERGENCY SERVICES AND DISASTER AGENCY COORDINATOR.**

(A)            **Duties.** His duties shall be as are provided in **Chapter 12** of the County Code.

**1-6-7            ANIMAL SERVICES MANAGER.**

(A)            **Duties.** The Manager's duties shall include administering and enforcing the regulations in the Animal Services Code in **Chapter 3**.

**1-6-8 INTERGOVERNMENTAL GRANTS DIRECTOR.**

(A) **Duties.** The Manager shall manage and supervise the Intergovernmental Grants Department. He shall be under the supervision of the Administrator and the Chairman of the County Board and shall prepare and formulate policy and recommendations for adoption by the County Board. The Manager shall coordinate his activities with the County Board.

**1-6-9 ZONING DEPARTMENT MANAGER.**

(A) **Duties.** The Zoning Department Manager shall be responsible for the processing of all zoning compliance permits, publication of all public hearing notices, and those duties outlined in the Property Maintenance, Subdivision, Zoning, Building, Flood Plain, and Swimming Pool Codes of St. Clair County; report to and perform those duties as required by the Environment Committee or the County Board.

**1-6-10 MAPPING AND PLATTING DEPARTMENT MANAGER.**

(A) **Duties.** The Mapping and Platting Department Manager shall be responsible for the supervision of all employees in this department; maintain accurate property records for St. Clair County; report to the Environment Committee; work with all firms hired by the County to provide service to the property records or taxation area; recommend any improvements that should be made in the department.

**1-6-11 DATA PROCESSING MANAGER.**

(A) **Duties.** The Data Processing Manager shall supervise all programs and data processing systems operated by the County; work with all committees and elected officials in establishing and implementing new and existing data processing programs.

**1-6-12 PARK SUPERINTENDENT.**

(A) **Duties.** The Park Superintendent shall be responsible to the County Property and Recreation Committee for the operation of Foley Park; supervise and maintain all aspects of the development of the Park; work with the Intergovernmental Grants Department insofar as new funding for park projects is concerned; perform those duties as required by the Chairman, Administrator, and the Property and Recreation Committee.

**1-6-13 HEALTH INSURANCE – PRIVACY OFFICIAL.** Pursuant to the provisions of the federal law Health Insurance Portability and Accountability Act, the St. Clair County Board does hereby establish the executive position of Privacy Official.

(A) **Purpose of the Position.** The Privacy Official shall be responsible for the implementation and development of the required county's policies and procedures regarding health information privacy.

(B) **Knowledge and Criteria Required for Position of Privacy Official.**  
The experience and knowledge required of the Privacy Official shall be as follows:

- (1) Fundamental knowledge and understanding of the County's organizational structure and operations as a unit of government.

- (2) Familiarity with the administration of the County's Group health benefit plans including vendor relationships.
- (3) Substantive training and experience in law, employee benefits, compliance, administration, health, and/or information technology disciplines.
- (4) Ability to communicate effectively with management, employees, retirees, participants, internal departments, business associates, and other governmental agencies.
- (5) Understanding of health information privacy laws and health insurance industry practices.

(C) **Duties and Responsibilities of Position.** The appointed Privacy Official shall be responsible for ensuring that the County's Group Health Plan is in compliance with the federal law. Those responsibilities shall be as follows:

- (1) Periodic health information privacy risk and compliance assessments. These assessments will be conducted annually each April under the direction of the Privacy Official.
- (2) Updates and implementation of privacy policies and procedures in response to changing operational, systems, or legal requirements.
- (3) Monitoring the County's overall compliance with its privacy policies and procedures.
- (4) Review of systems and methodology for accounting for disclosures of personal health insurance (other than treatment payment and health care operations).
- (5) Coordinate the review of health information privacy-related issues with the County's legal counsel.
- (6) Review of business associates and their agreements on an annual basis to be conducted each April.
- (7) Oversight of training programs – detailed and overview training. This includes increasing awareness of employees and retirees regarding efforts to preserve the privacy of individuals' health information.
- (8) Representation of County's information privacy interest before the appropriate external parties (state or local government, etc.)
- (9) Administration of procedures for compliance with the rights of individuals under Health Insurance Portability and Accountability Act.
- (10) Annual review and updating of notices for compliance with Health Insurance Portability and Accountability Act and the County's health information privacy policies and procedures.
- (11) Monitoring uses and disclosures of personal health insurance within the County for compliance.
- (12) Monitoring the adequacy and effectiveness of privacy protections and safeguards in light of technological advances.
- (13) Review procedural practices designed to appropriately limit access and disclosure of personal health insurance to the minimum necessary amount needed to accomplish the intended purposes.
- (14) Develop sanctions and mitigation policies for breaches of privacy policies and procedures.

- (15) Assessing and administering consistent sanctions for failures to comply with privacy policies and procedures by staff and business associates.
- (16) Monitoring changes in laws and regulations that may necessitate changes in notices, policies and procedures.
- (17) Coordination of communications with U.S. Department of Health and Human Services or other governmental officials and agencies in compliance reviews or investigations.

(D) **Deputy Privacy Official.** The County Board Chairman may appoint a Deputy Privacy Official, upon the recommendation of the Privacy Official for a term of **one (1) year**. The powers and duties herein described shall be executed by such Deputy only in absence of the Privacy Official and only when either oral or written direction has been given by the Privacy Official to the Deputy to exercise such power or the County Board Chairman or his Administrator has determined that the Privacy Official is temporarily or permanently incapacitated to perform such functions.

- (1) The person so appointed shall be a member of the County's Personnel and Fringe Benefits staff, who is intimately involved and knowledgeable about the County's benefit plans.

(E) **Ancillary Duties of the Privacy Official.** The other duties of the Privacy Official may be delegated to the department's support staff under the direct supervision and authority of the Privacy Official and who remains ultimately responsible.

(F) **Funding for Position.** Financially the additional duties of the Privacy Official shall be funded, if necessary, from the Personnel and Fringe Benefits Department's budget.

(G) **Consultants.** The Privacy Official shall continue to have access to third-party consultants and legal assistance to provide certain additional expertise when needed.

(H) **Exceptions to this Section.** The Health Insurance Portability and Accountability Act compliance for on-site clinics sponsored by the County Health Department or Mental Health Department, shall be the responsibility of those departments independent of the County Employee Health Plan. Accordingly, it shall be the responsibility of those departments and their boards to appoint Privacy Officials for their departments.

#### **1-6-14 DIRECTOR OF ECONOMIC DEVELOPMENT.**

(A) **Duties.** The Director of Economic Development shall work toward community, economic and job development in the County. The Director of Economic Development shall have the following duties:

- (1) Formulate, recommend and advise the County Board of economic development policies and programs; keep the County Board informed and make recommendations concerning activities, progress and problems of the department; provide consultation to the County Board.
- (2) Assess needs for economic development, the extent and priority of needs and current availability of funds to meet identified needs.
- (3) Develop short and long-range development plans and update such plans at least annually.

## **Administration 1-8-1**

- (4) Develop and recommend to the County Board an annual budget consistent with department goals and projected revenue resources.
- (5) Undertake an annual evaluation of programs and services.
- (6) Assure that all required reports and documents are forwarded to the County Board, funding and regulatory agencies and assure that the reports are timely and accurate.
- (7) Establish and maintain good working relationships with community groups, service agencies and local, state, and federal government agencies.
- (8) Provide technical assistance as requested, acting as County liaison to various groups and organizations.
- (9) Administer and monitor grant funds and revolving funds with respect to economic development, including the business loan programs for the Intergovernmental Grants Department.
- (10) Act as the staff liaison with the Economic Development Committee and attends County Board meetings as necessary.
- (11) Prepares grant applications for the County for projects to aid the County's development.
- (12) Assist in the development of a coordinated program of economic development for the County.
- (13) Assist the Chambers of Commerce in developing and implementing a strategy for business revitalization.
- (14) Assist in the marketing and promotion of MidAmerica Airport.
- (15) Work with the St. Louis RCGA and Illinois DCEO in the retention and attraction of business and industry to St. Clair County.
- (16) Perform other related duties as required, assigned or requested by the County Board Chairman.

**(Ord. No. 05-885; 09-26-05)**

**ARTICLE VII – TRAVEL AND LIVING EXPENSES**

**1-7-1            APPLICABILITY AND AUTHORITY.**

(A) All members of the County Board, County Officials, and County Employees shall comply with the procedure set forth below in order to be reimbursed for travel and living expenses, which may be incurred within or without the County of Saint Clair but must be necessary and related to the conduct of County business.

(B) Department Heads are responsible for planning the specific travel and educational needs of their departments. They shall request sufficient funds for these purposes plus the incidental daily travel needs of their departments when submitting their annual budget request. Passage of the budget by the County Board shall constitute authority to the Department Head to implement those plans. Travel expenses incurred in the conduct of County business shall be reimbursed upon submittal of proper receipts and approval by the County Board.

**1-7-2            REIMBURSABLE TRANSPORTATION EXPENSES.**

(A) Modes of transportation authorized for official use shall include automobiles, railroads, airlines, buses, taxicabs and other usual means of conveyance. Transportation expenses shall include fares, baggage expense and reasonable tips. Reimbursement requests for all fares must be accompanied by receipts.

(B) All travel shall be by the most direct route; the individual shall bear the additional costs of traveling an indirect route.

(C) All travel shall be by the most economical mode of transportation available considering travel time, costs and work requirements. Airplane travel shall be reimbursed at air coach rates only.

(D) Expenses for the use of a private automobile shall be reimbursed at the rate of **Twenty Cents (\$0.20)** per actual mile traveled. This reimbursement rate shall be construed to include any and all costs for the operation of a privately owned automobile on County business, the County of St. Clair not incurring any additional liability therefrom. In instances where other agencies may reimburse the County at a rate of less than **Twenty Cents (\$0.20)**, the County will supplement the difference. In instances where other agencies may reimburse at a rate greater than the County rate, the higher rate shall apply. **(Ord. No. 89-183)**

(E) The County shall reimburse parking fees and highway and bridge tolls. Requests for reimbursement of such fees must be accompanied by receipts, where possible.

(F) The mileage payment allowed for a trip outside the County shall not exceed the cost of public transportation if its use is a reasonable alternative. A reasonable alternative exists when the cost of travel, taking into account transportation were used.

(G) The County shall reimburse car rental and parking associated with the rental when taxi and limousine cost would be substantially greater than the cost of the car rental.

**1-7-3            REIMBURSEMENT OF LIVING EXPENSES.**

(A) Personal living expenses shall be reimbursed for authorized County travel. The maximum daily allowance for **three (3) meals** and tips shall be **Thirty Dollars (\$30.00)**. Expenses for alcoholic beverages shall not be reimbursed. Receipts shall be submitted with the reimbursement request; or

(B) A "per diem" allowance of **Twenty-Two Dollars (\$22.00)** maximum for meals will be allowed if the travel time is greater than **eighteen (18) hours** which is arrived at as follows:

(1)	Breakfast	\$5.00
(2)	Lunch	\$7.00
(3)	Dinner	\$10.00

**(Ord. No. 88-105; 05-31-88)**

No receipt for meals is required if the "per diem" allowance is claimed.

(C) The cost of meals purchased for persons, other than County Employees, shall be reimbursed if the reason for the expense is deemed to be in the best interests of the County. The reimbursement request shall indicate why and for whom the expense was incurred. Extreme discretion shall be used by all officials in granting this reimbursement.

(D) The actual cost of accommodations, excluding room service and valet service, shall be reimbursed. Receipts must accompany all requests for reimbursement.

(E) Special expenses of the following nature shall be reimbursed if accompanied by receipts.

- (1) Stenographic, typing and copying service.
- (2) Hire of special room for official business.
- (3) Telephone calls.
- (4) Registration fees for conferences and seminars.

**1-7-4 TRAVEL ADVANCES.**

(A) The County will advance to the traveler upon proper request the following:

- (1) Estimated meal expense at the per diem rate of **Twenty-Two Dollars (\$22.00)**.
- (2) Estimated single room rate for the number of nights expected to be stayed by the traveler.

(B) Where at all possible, the hotel expense should be paid in advance.

(C) When a traveler receives an advance expense check, the amount so advanced will be set up on an individual account receivable from the traveler. After **five (5) working days**, the traveler must turn in all receipts and settle his account with the County. If the traveler owes the County, he must submit payment immediately or the County will deduct any such debt from the payroll check of the traveler.

**1-7-5 REIMBURSEMENT REQUESTS.**

(A) Reimbursement of private automobile usage expenses must be requested on an approved form, which shall show the payee's name, trip dates, net mileage, destination, and purpose of the trip. The form must be approved by the department head prior to the trip.

(B) Claims for travel expense reimbursement shall be submitted on an approved form, which shall show date and destination, transportation expenses other than private automobile usage expense, meals, lodging, and information about the purpose of the travel and guest meals. Expenses which were prepaid by the County, such as fares and registration fees, shall be deducted in order to arrive at a net reimbursement amount. Receipts for all expenses must be signed by the individual and approved by the department head before any claims may be paid.

(C) All claims for reimbursements shall be examined by the appropriate committee(s) of the County Board.

(D) All claims for reimbursement shall be subject to review and final approval by the County Board.

**ARTICLE VIII - GENERALLY**

**1-8-1 DEPOSITORIES FOR COUNTY FUNDS.** The following banks are hereby designated as depositories for the funds of the County Treasurer and ex-officio County Collector:

Bank of O'Fallon	Mark Twain Illinois Bank
Bank of America, Belleville	Mercantile Bank of Illinois, N.A.
Citizens Community Bank – Mascoutah	State Bank of St. Libory - St. Libory
Community First Bank - Fairview Heights	U.M.B. First National Bank - Swansea
First Bank - Fairview Heights	Union Bank of Illinois
First Bank of Illinois - O'Fallon	Region's Financial - Belleville
First Federal Savings Bank - Mascoutah	Region's Financial - Belleville - West
First Financial Bank	Region's Financial - Cahokia
First Illinois Bank - East St. Louis	West Pointe Bank and Trust - Belleville
First National Bank - Millstadt	Midland States Bank - Freeburg

**1-8-2 COUNTY OFFICIALS' SALARIES.** Subject to the provisions of this Section, the annual salaries of the following St. Clair County elected officials are established and are to be effective on **January 1<sup>st</sup>** of each indicated year:

(A) **Regular.**

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
	(3%)	(3%)	(0%)	(3%)	(0%)	
Sheriff	93,106	95,899	95,899	98,776	98,776	
Treasurer	93,106	95,899	95,899	98,776	98,776	
Assessor	93,106	95,899	95,899	98,776	98,776	
County Clerk	93,106	95,899	95,899	98,776	98,776	
Reg/Sup/Sch	5,000	5,000	5,000	5,000	5,000	
Auditor	93,106	95,899	95,899	98,776	98,776	
Circuit Clerk	93,106	95,899	95,899	98,776	98,776	
Coroner	93,106	95,899	98,899	98,776	98,776	
County Board Chairman	93,106	95,899	95,899	98,776	98,776	
Recorder of Deeds	93,106	95,899	95,899	98,776	98,776	
Board of Review Member	42,230	43,286	44,585	45,922	45,922	47,300
County Board Member	18,853	19,419	19,419	20,001	20,001	
State's Attorney	(Set by State Statute)					

(B) **Established Previous Service Exceptions.** Except that the public policy of St. Clair County, no official elected to a countywide post shall, while drawing a pension for previous service as a countywide elected official, be paid the salary rate listed above. In stead any individual receiving such a pension, who is elected to the positions of Sheriff, Treasurer, Assessor, County Clerk, Auditor, Circuit Clerk, Coroner, County Board Chairman, Recorder of Deeds or Board of Review Member, shall receive the following salaries effective **January 1<sup>st</sup>** of each of the indicated:

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Sheriff	20,074	20,676	20,676	21,296	21,296	
Treasurer	20,074	20,676	20,676	21,296	21,296	
Assessor	20,074	20,676	20,676	21,296	21,296	
County Clerk	20,074	20,676	20,676	21,296	21,296	
Auditor	20,074	20,676	20,676	21,296	21,296	
Circuit Clerk	20,074	20,676	20,676	21,296	21,296	
Coroner	20,074	20,676	20,676	21,296	21,296	
County Board Chairman	20,074	20,676	20,676	21,296	21,296	
Recorder of Deeds	20,074	20,676	20,676	21,296	21,296	
Board of Review Member	6,970	7,144	7,358	7,579	7,579	7,806

(Ord. No. 11-1038; 01-31-11)



1-8-3 COUNTY BOARD DISTRICTS.

<u>DISTRICT</u>	<u>CONSISTING OF FOLLOWING PRECINCTS</u>
1	<u>Canteen</u> 1, 9, 12, 13, *14 <u>Caseyville</u> 16, 17 <u>Stites</u> 1
2	<u>Canteen</u> 3, 4, 5, 6, 7, *8, 10, 11, *14 <u>East St. Louis</u> *4, 6, *10, *34, *40
3	<u>East St. Louis</u> 2, 5, 7, 11, 15, 20, 22, 23, 37, 41, 43
4	<u>Belleville</u> *15, *30 <u>Canteen</u> *2 <u>Centreville</u> 6, *10, 11, *12, 17 <u>East St. Louis</u> 8, *10, 26, *31, 35, 36, *40, 42
5	<u>Canteen</u> *8 (No Voters) <u>Centreville</u> *10 <u>East St. Louis</u> 1, 3, *4, *10, 12, 16, 24, 29, *30, *31, 32, 33, *34, 39, 44
6	<u>Centreville</u> *12 <u>East St. Louis</u> 9, 13, 14, 17, 18, 19, 21, 25, 27, 28, *30, *31, 38
7	<u>Engelmann</u> 1 <u>Fayetteville</u> 1, 2 <u>Lenzburg</u> 1 <u>Marissa</u> 1, 2, 3 <u>New Athens</u> 1, 2
8	<u>Belleville</u> *12, *13, *14, *15, 27, *28, 29, *30 <u>Canteen</u> *2 <u>St. Clair</u> *9 <u>Stookey</u> 3, 5
9	<u>Belleville</u> 8, 9, 10, 11, *12, *13, *14 (No Voters), *16, *20 <u>St. Clair</u> *7, *9

<u>DISTRICT</u>	<u>CONSISTING OF FOLLOWING PRECINCTS</u>
10	<u>Belleville</u> *17, *21, *22, 23, 25, *26, 32, *33 <u>St. Clair</u> *2, *4, *14, *17
11	<u>Belleville</u> 1, *2, *3, 4, 5, *24, *31 <u>St. Clair</u> *3 (No Voters)
12	<u>Belleville</u> *2, *3, *26, *31 <u>St. Clair</u> 12, 13, *14, 18, 22
13	<u>Belleville</u> *16 <u>Caseyville</u> *2, *12 <u>O'Fallon</u> *2, *10 <u>St. Clair</u> 8, *15, *16, *19, *20 <u>Shiloh Valley</u> *3
14	<u>Belleville</u> 6, 7, *17, 18, 19 <u>St. Clair</u> 1, 5, *17
15	<u>Lebanon</u> *1 <u>O'Fallon</u> *1, 4, *6, 7, 8, *9
16	<u>Stookey</u> *1, *10 <u>Sugar Loaf</u> 1, 2, 3, 4, 5, 6
17	<u>Belleville</u> *20, *28, 34 <u>St. Clair</u> *2, *7 <u>Stookey</u> *2, *4, 6, 7, 8, 9, *10
18	<u>O'Fallon</u> *1, *2, 3, 5, *6, *9, *10
19	<u>Belleville</u> *26 <u>O'Fallon</u> *6 <u>Shiloh Valley</u> 1, 2, *3, *4
20	<u>Lebanon</u> *1, 2, 3 <u>Mascoutah</u> 1, 2, 3, 4

<u>DISTRICT</u>	<u>CONSISTING OF FOLLOWING PRECINCTS</u>
21	<u>Belleville</u> *21, *22, *24, *26, *31, *33 <u>Freeburg</u> 1, 2, 3 <u>St. Clair</u> *2, *4, *14 <u>Shiloh Valley</u> *4 <u>Smithton</u> 2, *3
22	<u>Millstadt</u> 1, 2, 3, 4 <u>Prairie Du Long</u> 1 <u>Smithton</u> 1, *3
23	<u>Belleville</u> *2 <u>St. Clair</u> *3, 10, 11, *15, *16, *19, *20 (No Voters), 21 <u>Shiloh Valley</u> *3
24	<u>Centreville</u> 1, 3, 4, 5, 7, 8, *13 (No Voters), 14, *21 (No Voters), *22, *24 (No Voters), 27 <u>Stookey</u> *1, *2, *4
25	<u>Centreville</u> *13, 15, 16, *21, *22, *24, *25, 26
26	<u>Centreville</u> 2, 9, *13, 18, 19, 20, 23, *25
27	<u>Caseyville</u> *2, 9, 10, *12, 22, 23, 24, 25, 26
28	<u>Belleville</u> *14 (No Voters) <u>Canteen</u> *2 <u>Caseyville</u> 3, 4, *11, 13, 14, 15, *19, 20 <u>St. Clair</u> 6, *9
29	<u>Caseyville</u> 1, 6, 7, 8, *11, *12, 17, 18, *19, 21 <u>O'Fallon</u> *9

(\* Indicates the precinct is split)  
(Ord. No. 91-280; 07-08-91)

**1-8-4**      **COUNTY BOARD CHAIRMAN CELLULAR PHONE.** St. Clair County shall provide the County Board Chairman the use of a cellular phone which shall not be limited to county business use. The County Board Chairman is authorized to use the cellular phone for non-county calls up on regular payment to St. Clair County of **forty percent (40%)** of the monthly bill incurred for the assigned phone. (Ord. No. 97-633; 12-29-97)

**1-8-5**      **CHECK CASHING PROHIBITED.** All St. Clair County entities and offices are henceforth prohibited from cashing checks of any type for any individual included but not limited to employees, vendors, or members of the general public.  
St. Clair County entities and offices that accept checks as payment for financial obligations owed to the County are permitted to continue those procedures. (Ord. No. 09-997; 07-27-09)

## ARTICLE IX – ETHICS CODE

**1-9-1 DEFINITIONS.** For purposes of this Article, the following terms shall be given these definitions:

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

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

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

**"Compensated time"** means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

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

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

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

**"Employer"** means the County of St. Clair.

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

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

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

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

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

**"Prohibited political activity"** means:

(A) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(B) Soliciting contributions, including but not limited to the purchase of selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(C) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(D) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(E) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(F) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(G) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(H) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(I) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(J) Preparing or reviewing responses to candidate questionnaires.

(K) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum questions.

(L) Campaigning for any elective office or for or against any referendum question.

(M) Managing or working on a campaign for elective office or for or against any referendum question.

(N) Serving as a delegate, alternate, or proxy to a political party convention.

(O) Participating in any recount or challenge to the outcome of any election.

**"Prohibited Source"** means any person or entity who:

(A) is seeking an official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(B) does business or seeks to do business (i) with the officer or (ii) with an employee, or the officer or another employee directing that employee;

(C) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(D) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

#### **1-9-2 PROHIBITED POLITICAL ACTIVITIES.**

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

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

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

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

(E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

**1-9-3**        **GIFT BAN.** Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

**1-9-4**        **EXCEPTIONS.** Section 1-9-3 is not applicable to the following:

(A)            Opportunities, benefits, and services that are available on the same conditions as for the general public.

(B)            Anything for which the officer or employee, or his or her spouse or immediate family member, pays the market value.

(C)            Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(D)            Educational materials and missions.

(E)            Travel expenses for a meeting to discuss business.

(F)            A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(G)            Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(1)            the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(2)            whether the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(3)            whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(H) Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of the Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(I) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(J) **Intra-Governmental and Inter-Governmental Gifts.** For the purpose of this provision, "**intra-governmental gift**" means any gift given to an officer or employee from another officer or employee, and "**inter-governmental gift**" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(K) Bequests, inheritances, and other transfers at death.

(L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.

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

**1-9-5 DISPOSITION OF GIFTS.** An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

**1-9-6 PENALTIES.**

(A) A person who intentionally violates any provision of **Section 1-9-2** of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(B) A person who intentionally violates any provision of **Section 1-9-3** of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**.

(C) Any person who intentionally makes a false report alleging a violation of any provisions of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of



incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(D) A violation of **Section 1-9-2** of this Article shall be subject to prosecution as a criminal offense by the State's Attorney of St. Clair County by filing in the circuit court an information, or sworn complaint, charging such offense, and by using the same standards of prosecution that are applied to all other criminal offenses. The prosecution shall conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of **Section 1-9-3** of this Article may be prosecuted as a quasi-criminal offense by the State's Attorney of St. Clair County.

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of **Section 1-9-2** or **Section 1-9-3** of this Article is subject to discipline or discharge.

**(Ord. No. 04-837)**