

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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MISCELLANEOUS PROVISIONS

§ 30.01 COUNTY BOARD STANDING COMMITTEES.

The Legislative and Tax and Finance standing committees will be committees of the whole Board.
(Ord. passed 3-15-2010)

§ 30.02 WELFARE SERVICES COMMITTEE DISBANDED.

The County Welfare Services Committee will disband following the adoption and filing of this section.
(Ord. 06-49, passed 7-17-2006)

§ 30.03 JURORS COMMISSION DISSOLVED.

The County Jurors Commission will dissolve following the adoption and filing of this section.
(Ord. passed 8-17-2009)

§ 30.04 FACILITY USE REQUIREMENTS.

Any individual or group not presenting a certificate of insurance listing their scheduled special event and the county as an additional insured, prior to the event, will result in the cancellation of the use of the county property.

(Ord. 11-45, passed 7-18-2011)

§ 30.05 HISTORIC PRESERVATION STUDY COMMITTEE.

(A) *Establishment.* The County Historic Preservation Study Committee (hereinafter referred to as the Study Committee) is hereby established.

(B) *Purpose.* The purpose of the Study Committee shall be to investigate the power and authority that can be given to a preservation commission and to prepare a report to the County Board, including a recommendation concerning the need for a preservation ordinance.

(C) *Members.*

(1) *Membership.* The Study Committee shall include nine members, nominated and ratified by the County Board. Its Chairperson shall be appointed by the Study Committee.

(a) The Study Committee must include at least one representative from each of the following organizations:

1. County Cultural Center and Museum Association;
2. County Historical Society;
3. South Central Illinois Regional Planning Commission; and
4. County Board.

(b) The remaining members of the Study Committee shall be persons with a demonstrated interest in prehistory, history or architecture.

(c) The members of the Study Committee shall not be compensated with a mileage allowance for travel or per diem payments for meetings.

(2) *Members.* Should a member resign or fail to fulfill his or her obligations, a successor will be named by the County Board. The Study Committee will appoint a Chairperson.

(D) *Powers of the Study Committee.* The Study Committee is hereby authorized:

(1) To review existing surveys and/or prepare a new preliminary survey of historic resources in the county;

(2) To determine the need for a Preservation Commission, based on the results of the survey;

(3) Upon recommendation of a Preservation Commission, to recommend either specific landmarks and districts or a process for identification and designation of landmarks and districts;

(4) To prepare an ordinance;

(5) To recommend incentives to encourage preservation; and

(6) To prepare a report to the County Board in a timely manner.

(E) *Report of findings.*

(1) The Study Committee shall report its initial findings and recommendations to the County Board within one year of its appointment.

(2) The report of the Study Committee shall be submitted for review and comment to:

(a) The County Board;

(b) South Central Illinois Regional Planning Commission;

(c) Each existing municipal landmark or preservation commission in the county; and

(d) The State Department of Natural Resources.

(F) *Hearings and action.*

(1) Public hearings shall be held in at least two locations within 60 days after submission of the report. The hearings, after 15 days published notice, may be held by either the County Board or the Study Committee. Within 45 days of the close of the hearings, the Study Committee shall send a final report and a recommended ordinance, if it so advocates, to the County Board.

(2) The Board has 60 days to then take one of three possible actions on the report. It may: accept the report and enact the ordinance without changes; refer the matter back to the Study Committee

with suggested refinements for return within 60 days; or reject the report and ordinance by resolution stating its reason for such action. Following this final action by the County Board, the Study Committee shall cease to exist.

(Ord. passed 2-16-2010)

COURTHOUSE REGULATIONS

§ 30.20 PURPOSE.

The purpose of this subchapter is to ensure the protection and safety of the general public while inside any buildings owned or operated by and for the county. Due to the general adversarial nature of both civil and criminal proceedings at the courthouse, as well as the presence of prisoners pending criminal prosecution, a potential danger to the public exists that must be protected by the county.

(Prior Code, § 9-1-1)

§ 30.21 UNLAWFUL POSSESSION.

No person shall carry or possess on or about his or her person while inside any buildings owned or operated by the county, any pistol, revolver, stun gun, laser or other firearms, bludgeon, blackjack, slingshot, sandbag, metal knuckles or any switchblade knife or razor, Bowie knife or dirk knife, or dirk, or dagger, or any other dangerous or deadly weapon.

(Prior Code, § 9-1-2) Penalty, see § 30.99

§ 30.22 EXCEPTIONS.

This subchapter does not apply to any officer of a Police Department or any Sheriff or Deputy Sheriff or constable of the state or United States Marshal while acting in his or her official capacity.

(Prior Code, § 9-1-3)

§ 30.23 SOLICITING AND PEDDLING REGULATIONS; COUNTY BUILDINGS.

There shall be no selling, soliciting, peddling, distribution or collection in connection with produce, foodstuffs, cosmetics, jewelry, newspapers, magazines, fund drives or any other nature, within any building owned, leased or rented by the county, other than in the conduct of officially approved county business by any county employee or member of the general public.

(Prior Code, § 9-1-4) Penalty, see § 30.99

§ 30.24 COUNTY BUILDINGS DESIGNATED SMOKE-FREE.

Smoking shall not be permitted in any portion of any building owned and/or operated by the county.
(Prior Code, § 9-1-5) Penalty, see § 30.99

§ 30.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Any person who violates the terms of §§ 30.20 through 30.24 shall be guilty of a petty offense punishable by a fine not to exceed \$500.

(2) Upon conviction of a violation of the terms of §§ 30.20 through 30.24, the weapon possessed by the offender shall be confiscated by the trial court or appropriate authorities.
(Prior Code, § 9-1-6)

CHAPTER 31: EMERGENCY MANAGEMENT

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MUTUAL AID SYSTEM AGREEMENT

§ 31.01 PURPOSE.

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and human-made catastrophes, the use of an individual member unit's personnel and equipment to perform functions outside the territorial limits of the member unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other member unit's personnel and equipment to perform functions within the territorial limits of a member unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the state emergency management mutual aid system is desirable for the effective and efficient provision of mutual aid.

(Prior Code, § 30-2-1)

§ 31.02 DEFINITIONS.

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

AFFECTED/STRICKEN UNIT. A member unit which requests aid through the Illinois Emergency Management Agency in the event of an emergency.

AIDING UNIT. A member unit furnishing equipment, personnel and/or services to an affected/stricken unit.

EMERGENCY/DISASTER. An occurrence or condition in a member unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the affected/stricken unit and such that a member unit determines the necessity and advisability of requesting aid.

EXECUTIVE BOARD. The governing body of IEMMAS comprised of the officers and Regional VP, Past President of the State Emergency Services Management Association or their representatives.

IEMA REGIONS. The geographically associated member units or unit which have been grouped for operational efficiency and representation of those member units.

ILLINOIS EMERGENCY MANAGEMENT MUTUAL AID SYSTEM. Hereinafter referred to as **IEMMAS**, a definite and prearranged plan whereby response and assistance is provided to an affected/stricken unit by the aiding unit(s) in accordance with the system established and maintained by the IEMMAS member units, and amended from time to time.

MEMBER UNIT. A unit of local government, including, but not limited to, a city or county having an Emergency Management Program accredited/certified by the state, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the IEMMAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of IEMMAS.

TRAINING. The regular scheduled practice of emergency procedures during non-emergency drills/exercise to implement the necessary joint operations of IEMMAS.
(Prior Code, § 30-2-2)

§ 31.03 AUTHORITY AND ACTION TO EFFECT MUTUAL AID.

(A) The member units hereby authorize and direct their respective Emergency Manager/Coordinator or his or her designee to take necessary and proper action to render and/or request mutual aid from the other member units in accordance with the policies and procedures established and maintained by the IEMMAS member units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the aiding unit. The judgment of the Emergency Manager/Coordinator, or his or her designee, of the aiding unit shall be final as to the personnel and equipment available to render aid.

(B) Whenever an emergency/disaster occurs and conditions are such that the Emergency Manager/Coordinator, or his or her designee, of the affected/stricken unit determines it advisable to request aid pursuant to this agreement he or she shall notify IEMA of the nature and location of the emergency/disaster and the type and amount of equipment and personnel and/or services requested from the IEMMAS.

(C) The Emergency Manager/Coordinator, or his or her designee, of the aiding unit shall take the following action immediately upon being requested for aid:

(1) Establish the incident command system at the site of the emergency;

(2) Determine what equipment, personnel and/or services is requested according to the system maintained by IEMMAS;

(3) Determine if the requested equipment, personnel and/or services can be committed in response to the request from the affected/stricken unit;

(4) Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the affected/stricken unit in accordance with the procedures of IEMMAS; and

(5) Notify the affected/stricken unit if any or all of the requested equipment, personnel and/or services cannot be provided.

(Prior Code, § 30-2-3)

§ 31.04 INCIDENT MANAGEMENT SYSTEM.

The national incident management system shall be the standard under which this agreement shall function. The purpose of the incident management system shall be to provide structure and coordination to the management of emergency incident operations in order to provide for the safety and health of emergency service organization personnel and other persons involved in those activities. Personnel dispatched to aid a party pursuant to this agreement shall remain employees of the aiding unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the State Incident Commander at the Forward Command Post. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Emergency Manager/Coordinator or his or her designee; provided, however, that the party withdrawing such aid shall notify the State Incident Commander at the Forward Command Post of the withdrawal of such aid and the extent of such withdrawal.

(Prior Code, § 30-2-4)

§ 31.05 COMPENSATION FOR AID.

Equipment, personnel and/or services provided pursuant to this agreement shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

(Prior Code, § 30-2-5)

§ 31.06 INSURANCE.

Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: personal injury, property damage. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The state shall provide worker's compensation and comprehensive liability insurance. Upon request, member units shall provide such evidence as herein provided to the IEMMAS members.

(Prior Code, § 30-2-6)

§ 31.07 INDEMNIFICATION.

(A) Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this mutual aid agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

(B) Each party requesting or providing aid pursuant to this agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this agreement; provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

(Prior Code, § 30-2-7)

§ 31.08 NON-LIABILITY FOR FAILURE TO RENDER AID.

(A) The rendering of assistance under the terms of this agreement shall not be mandatory if local conditions of the aiding unit prohibit response. It is the responsibility of the aiding unit to immediately notify the affected/stricken unit of the aiding unit's inability to respond; however, failure to immediately notify the affected/stricken unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this section and no liability may be assigned.

(B) No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this agreement.

(Prior Code, § 30-2-8)

§ 31.09 TERM.

(A) This agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one year terms unless terminated in accordance with this section.

(B) Any party hereto may terminate its participation in this agreement at any time, provided that the party wishing to terminate its participation in this agreement shall give written notice to the IEMMAS specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified

date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

(Prior Code, § 30-2-9)

§ 31.10 EFFECTIVENESS.

This agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

(Prior Code, § 30-2-10)

§ 31.11 BINDING EFFECT.

This agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto; provided, however, that this agreement may not be assigned by a member unit without prior written consent of the parties hereto; and this agreement shall not be assigned by IEMMAS without prior written consent of the parties hereto.

(Prior Code, § 30-2-11)

§ 31.12 VALIDITY.

The invalidity of any provision of this agreement shall not render invalid any other provision. If, for any reason, any provision of this agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this agreement may be enforced with that provision severed or modified by court order.

(Prior Code, § 30-2-12)

§ 31.13 NOTICES.

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the IEMMAS mailing lists or, to other such addresses as shall be agreed upon.

(Prior Code, § 30-2-13)

§ 31.14 GOVERNING LAW.

This agreement shall be governed, interpreted and construed in accordance with the laws of the state.

(Prior Code, § 30-2-14)

§ 31.15 EXECUTION IN COUNTERPARTS.

This agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

(Prior Code, § 30-2-15)

§ 31.16 EXECUTIVE BOARD OF IEMMAS.

An Executive Board of IESMA is hereby identified as the authority to consider, adopt and amend from time to time, as needed, rules, procedures, by-laws and any other matters deemed necessary. The Executive Board shall consist of a member elected from each region within IESMA who shall serve as the voting representative of said region on IEMMAS matters, and may appoint a designee to serve temporarily in his or her stead. Such designee shall be from within the respective region and shall have all rights and privileges attendant to a representative of that region. The IESMA Executive Board as provided for in the by-laws shall coordinate the activities of the IEMMAS.

(Prior Code, § 30-2-16)

§ 31.17 DUTIES OF THE EXECUTIVE BOARD.

The Executive Board shall meet regularly to conduct business and to consider and publish the rules and procedures of the IEMMAS.

(Prior Code, § 30-2-17)

§ 31.18 RULES AND PROCEDURES.

Rules, procedures of the IEMMAS shall be established by the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the IEMMAS.

(Prior Code, § 30-2-18)

§ 31.19 AMENDMENTS.

This agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures of the IEMMAS as established by the Executive Board to this agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to, and approves this mutual aid system agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

(Prior Code, § 30-2-19)

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EMERGENCY MANAGEMENT; EMA

§ 31.30 PURPOSE; AUTHORITY.

(A) There is hereby created within the county governmental organization an entity to be known as the Emergency Services and Disaster Agency, hereinafter referred to as the EMA. This entity shall be responsible for the coordination of all emergency management programs within its jurisdiction and with private organizations, or other political subdivisions, the state and federal government in accordance with the provisions of the Illinois Emergency Management Agency Act (20 ILCS 3305), hereinafter “the Act”.

(B) The purpose of the EMA shall be the coordination of emergency services functions, which may be necessary for or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes.

(C) The EMA shall consist of the Director and such additional members as may be selected by the Director and approved by the County Board.

(D) All emergency service functions of the EMA shall at all times be in accordance with the provisions of the Act, being 20 ILCS 3305 and all rules and regulations promulgated thereunder. (Ord. 08-93, passed 11-17-2008)

§ 31.31 LIMITATIONS.

Nothing in this subchapter shall be construed to:

(A) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this subchapter or other laws may be taken when necessary to mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including, but not limited to, radio and television stations, wire services and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and political subdivision emergency operations plans shall place reliance upon the forces available for performance of functions related to emergency management; or

(D) Limit, modify or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in him or her under the Constitution, statutes or common law of this state,

independent of or in conjunction with any provisions of this Act, being 20 ILCS 3305; limit any home rule unit; or prohibit any contract or association pursuant to Article VII, § 10 of the Illinois Constitution. (Ord. 08-93, passed 11-17-2008)

§ 31.32 DEFINITIONS.

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

CHIEF ELECTED OFFICIAL. Chairperson of the County Board, supervisor of a township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established pursuant to § 7 of the Emergency Interim Executive Succession Act.

DIRECTOR. The staff assistant to the chief elected official of political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

DISASTER. An occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including, but not limited to, fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot or hostile military or paramilitary action.

DISASTER TRAINING EXERCISE. A planned event designed specifically to simulate an actual disaster which will provide emergency operations training for emergency response personnel. Actual response by EMA volunteers to local emergency situations not qualifying as disasters, as defined in this section, is considered a **DISASTER TRAINING EXERCISE**; provided, however, that performance of the usual and customary emergency functions of a political subdivision (e.g., police, fire or emergency medical services) is not included within this definition of a **DISASTER TRAINING EXERCISE**.

EMERGENCY MANAGEMENT. The efforts of the state and the political subdivisions to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

EMERGENCY MANAGEMENT AGENCY. The agency established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the state and federal governments.

EMERGENCY OPERATIONS PLAN. The written plan of the state and political subdivisions describing the organization, mission and functions of the government and supporting services for responding to and recovering from disasters.

EMERGENCY SERVICES. The coordination of such functions by the state and its political subdivision, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

ILLINOIS EMERGENCY MANAGEMENT AGENCY or IEMA. The agency established by this Act, being 20 ILCS 3305 within the executive branch of state government responsible for coordination of the overall emergency management program of the state and with private organizations, political subdivisions and the federal government.

MOBILE SUPPORT TEAM. The utilization of personnel to be dispatched by the Governor or, if he or she so authorizes the Director, by the Director, to supplement local political subdivisions for emergency management programs in response to a disaster.

MUNICIPALITY. Any city, village and incorporated town.

POLITICAL SUBDIVISION. Any county, city, village, incorporated town or township if the township is in a county having a population of more than 2,000,000.
(Ord. 08-93, passed 11-17-2008)

§ 31.33 FUNCTIONS; STATUTORY RESPONSIBILITIES.

(A) Each county shall maintain an EMA, which has jurisdiction over and serves the entire county, except as otherwise provided in the Act, being 20 ILCS 3305.

(B) The County EMA shall not have jurisdiction within a political subdivision that has its own emergency services and disaster agency, but shall cooperate with the emergency services and disaster agency of a city, village or incorporated town within their borders.

(C) The County EMA shall work with the liaison appointed by each municipality within its jurisdiction which is not required to and does not have an emergency services and disaster agency in order to facilitate the cooperation and protection of that municipality with the County EMA in which it is located in the work of disaster mitigation, preparedness, response and recovery.

(D) The chief elected official of the county shall notify the State Emergency Management Agency of the manner in which the political subdivision is providing or securing emergency management, identify the executive head of the EMA and furnish additional information relating thereto as the State Emergency Management Agency requires.

(E) The EMA shall prepare and keep current an emergency operations plan for its geographic boundaries. It shall be submitted to the IEMA for review and approval, in accordance with 20 ILCS 3305/10(g).

(F) The EMA shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(G) The EMA shall coordinate emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the State Emergency Management Agency and in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to such mutual aid agreements and compacts as are entered into under 20 ILCS 3305/6(c)(5).

(H) The county upon advice from the EMA may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters in order to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those vested under this section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchases of supplies and materials, and the appropriation, expenditure and disposition of public funds and property.

(I) The EMA personnel who, while engaged in a disaster or disaster training exercise, suffer disease, injury or death, shall, for the purposes of benefits under Worker's Compensation Act, being 820 ILCS 305/1 et seq. or Workers' Occupational Diseases Act, being 820 ILCS 310/1 et seq., only, be deemed to be employees of the state, if: the claimant is duly qualified and enrolled (sworn in) as a volunteer of the State Emergency Management Agency or an emergency services and disaster agency accredited by the State Emergency Management Agency; and if the claimant was participating in an actual disaster as defined in 20 ILCS 3305/4 or the exercise participated in was specifically and expressly approved by the State Emergency Management Agency. The State Emergency Management Agency shall use the same criteria for approving an exercise and utilizing state volunteers as required for any political subdivision. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable state employees doing the same type work or income from the person's regular employment, whichever is greater.

(J) Prior to conducting a disaster training exercise, the chief elected official of the county or his or her designee shall provide area media with written notification of the disaster training exercise. Such notification shall indicate that information relating to the disaster training exercise shall not be released to the public until commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the disaster training exercise before it begins. During the conduct of such disaster training exercise, all messages, two-way

radio communications, briefings, status reports, news releases and other oral or written communications shall begin and end with the following statement. "This is an exercise message".
(Ord. 08-93, passed 11-17-2008)

§ 31.34 EMA DIRECTOR; OFFICE.

(A) The EMA shall have a Director who shall be appointed by the chief elected official of the county in the same manner as are the heads of regular governmental departments.

(B) The EMA Director shall have direct responsibility for the organization, administration, training and operation of the EMA, subject to the direction and control of that chief elected official.

(C) The EMA shall have an office and the county is authorized to designate space in a county building, or elsewhere, as may be provided for the EMA.
(Ord. 08-93, passed 11-17-2008)

§ 31.35 COMPENSATION; STATE REIMBURSEMENT.

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

(B) The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the county for expenses incident to training members of the EMA prescribed by the State Director, compensation for services and expenses of members of a Mobile Support Director, compensation for services and expenses of members of a mobile support team while serving outside the county in response to a call by the Governor of State Director, as provided by law, and any other reimbursement made by the state incident to EMA activities as provided by law.
(Ord. 08-93, passed 11-17-2008)

§ 31.36 LOCAL DISASTER DECLARATIONS.

(A) A local disaster may be declared only by the chief elected official of the county, or his or her Interim Executive Succession Act (5 ILCS 275/7 et seq.). It shall not be continued or renewed for a period of the county. Any order or proclamation declaring, continuing or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

(B) The effect of a declaration of a local disaster is to activate the emergency operations plan of the county and to authorize the furnishing of aid and assistance thereunder.
(Ord. 08-93, passed 11-17-2008)

§ 31.37 TESTING OF DISASTER WARNING DEVICES.

(A) The EMA shall be allowed to test disaster warning devices including outdoor warning sirens on the first Tuesday of each month at 10:00 a.m.

(B) The EMA may also test disaster-warning devices including outdoor warning sirens during disaster training exercises that are specifically and expressly approved in advance by the State Emergency Management Agency.

(Ord. 08-93, passed 11-17-2008)

§ 31.38 MUTUAL AID BETWEEN POLITICAL SUBDIVISIONS.

(A) The EMA Director may, in collaboration with other public agencies within his or her immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions within this state for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. Such mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions. Such arrangements shall be consistent with the state emergency operations plan and state emergency management program, and in the event of such a disaster as described in § 4 of the Act being 20 ILCS 3305/4, it shall be the duty of the EMA to render assistance in accordance with the provisions of such mutual aid arrangements.

(B) The EMA Director may, subject to the approval of the Director of the State Emergency Management Agency, assist in the negotiation of mutual aid agreements between this and other states.

(Ord. 08-93, passed 11-17-2008)

§ 31.39 IMMUNITY.

(A) Neither the state, any political subdivision of the state, nor, except in cases of negligence or willful misconduct, the Governor, the Director, the chief elected official of a political subdivision, or the agents, employees or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with the Act, being 20 ILCS 3305 or any rule or regulations promulgated pursuant to the Act, being 20 ILCS 3305 is liable for the death of or any injury to persons, or damage to property, as a result of such activity.

(B) This section does not, however, apply to political subdivisions and chief elected officials required to maintain emergency services and disaster agencies that are not in compliance with § 10 of the Act being 20 ILCS 3305/10, notwithstanding provisions of any other laws. This section does not, however, affect the right of any person to receive benefits to which he or she would otherwise be entitled under this Act, being 20 ILCS 3305 under the Worker's Compensation Act, being 820 ILCS 305/1 et seq., or the Worker's Occupational Diseases Act, being 820 ILCS 310/1 et seq., or under any pension law, affect the right of any such person to receive any benefits or compensation under any Act of Congress.

(Ord. 08-93, passed 11-17-2008)

§ 31.40 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.

(A) Whenever the federal government or any agency or officer thereof or whenever any person, firm or corporation shall offer to the county, services, equipment, supplies, materials or funds by way of gift or grant, for purposes of emergency management, the county, acting through the chief elected official, may accept such offer and upon such acceptance, may authorize an officer of the county to receive such services, equipment, supplies, materials or funds on behalf of the county.

(B) The county, acting through the chief elected official, shall have the authority to establish a special fund if needed to accept such gifts, grants or loans. The establishment of such a special fund shall be in accordance with all county ordinances relating to this subject matter and the laws of the state. All services, gifts, grants or loans accepted pursuant to the section shall be subject to county auditing procedures.

(Ord. 08-93, passed 11-17-2008)

§ 31.41 ORDERS, RULES AND REGULATIONS.

(A) The County Board shall have the authority to promulgate orders, rules and regulations upon the advice of the EMA Director for the purpose of emergency management and in times of disaster.

(B) The EMA shall execute and enforce such orders, rules and regulations as may be made by the Governor under the authority of the Act, being 20 ILCS 3305. The EMA shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under the Governor's authority and which have provided by the Illinois Emergency Management Agency.

(Ord. 08-93, passed 11-17-2008)

§ 31.42 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.

The EMA acting through its chief elected official may utilize the services, equipment, supplies and facilities of existing departments, offices and agencies within its jurisdiction, to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities as may be needed.

(Ord. 08-93, passed 11-17-2008)

§ 31.43 EMERGENCY POWERS.

In addition to any other emergency powers conferred upon the chief elected official of the county or his or her designee, he or she may:

(A) Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of city or county business, or the orders or regulations of any city or county department if compliance with

the provisions of the statute, order or regulation would prevent, or substantially impede or delay action necessary to cope with the disaster or emergency;

(B) Use all the resources of the county as reasonably necessary to cope with the disaster or emergency;

(C) Transfer personnel or alter the functions of city or county departments and offices or units of them for the purpose of performing or facilitating the performance of disaster or emergency services;

(D) Subject to any applicable requirements for compensation, commandeer or utilize any private property if considered necessary to cope with the disaster or emergency;

(E) Request the relocation of all or part of the population from any stricken or threatened area in the county if relocation is considered necessary for the preservation of life or for other disaster mitigation purposes;

(F) Prescribe routes, modes of transportation and destinations in connection with necessary relocation;

(G) Control ingress to and egress from a disaster area, the movement of persons within the area and the occupancy of premises in it;

(H) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, ammunition, explosives and combustibles;

(I) Make provisions for the availability and use of temporary emergency housing;

(J) Impose a curfew upon all or any portion of the county thereby requiring all persons in such designated and restricted curfew areas to remove themselves from public property, streets, alleys, sidewalks, thoroughfares, vehicle parking areas or other public places. Physicians, nurses and paramedical personnel performing essential medical services, utility personnel maintaining essential public services, firefighters, members of the news media upon showing of authorized press cards, emergency volunteers, and county, city and state authorized law enforcement officers, and emergency management personnel may be exempted from such curfew. The curfew may be applicable to any such hour of the day or night as the chief elected official of the county deems necessary in the interest of public safety and welfare;

(K) Allocate, ration or distribute food, water, fuel, clothing and other items deemed necessary;

(L) The chief elected official of the county may obtain vital supplies, equipment and other properties found lacking and needed for the protection of the health, life and property of the people and bind the city or county for the fair value thereof; and

(M) The chief elected official of the county shall order emergency management forces to the aid of other communities when required in accordance with the statutes of the state and may request the state,

or a political subdivision of the state to send aid to the county to ease the disaster when conditions in the county are beyond the control of local emergency management forces.

(Ord. 08-93, passed 11-17-2008)

§ 31.44 OATH.

Every person appointed to serve in any capacity in the County EMA organization shall, before entering upon his or her duties, subscribe to the following oath, which shall be filed with the EMA Director:

“I _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party of organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Effingham County EMA, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

(Ord. 08-93, passed 11-17-2008)

§ 31.45 NO PRIVATE LIABILITY.

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a disaster training exercise together with his or her successors in interest, if any, shall not be civilly liable for negligently causing death of, or injury to. Any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of the county under the provisions of the Act, being 20 ILCS 3305 shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the county under the Act, being 20 ILCS 3305 during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(Ord. 08-93, passed 11-17-2008)

§ 31.46 PROHIBITION OF POLITICAL ACTIVITY.

The EMA established by this subchapter shall not be employed directly or indirectly by any person for political purposes.

(Ord. 08-93, passed 11-17-2008)

CHAPTER 32: COUNTY BOARD

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BY-LAWS OF THE COUNTY BOARD

§ 32.001 LEGAL NAME.

The legal name of the governmental unit is the “Effingham County Board.” Address: 101 N. 4th Street, Suite 301, Effingham, IL 62401.
(Ord. 13-44, passed 4-15-2013)

§ 32.002 REGULAR MEETINGS.

Regular Board meeting dates shall be the third Monday of each month or the day immediately following if the third Monday, is a holiday unless otherwise adopted.
(Ord. 13-44, passed 4-15-2013)

§ 32.003 SPECIAL MEETINGS.

Special meetings may be called when needed.
(Ord. 13-44, passed 4-15-2013)

§ 32.004 ROLL CALL.

There shall be a roll call at each meeting.
(Ord. 13-44, passed 4-15-2013)

§ 32.005 MINUTES.

Minutes of each Board meeting shall be examined by the Reports Committee and approved at the next Board meeting. Deletions, corrections or additions will be submitted for approval at the next regular Board meeting.
(Ord. 13-44, passed 4-15-2013)

§ 32.006 REPORTS.

The six-month report of the county officers shall be presented to the Committee on Officers' Reports two days prior to the County Board meeting date for June and December.
(Ord. 13-44, passed 4-15-2013)

§ 32.007 CLAIMS.

All claims submitted to the county shall be sworn to and endorsed by the proper committee.
(Ord. 13-44, passed 4-15-2013)

§ 32.008 AGENDA.

The Chairperson of the Board shall prepare, or cause to be prepared, an agenda for each Board meeting. Items to be considered for agenda inclusion shall be in the Board office two days prior to the meeting. Items may be added to the agenda at the meeting with the approval of the Board. Provisions may be made for miscellaneous items of business. The Chairperson may limit the time that any one person may speak. All agendas are subject to the Open Meetings Act, being 5 ILCS 120.
(Ord. 13-44, passed 4-15-2013)

§ 32.009 VOTE.

Every member present shall vote on each issue presented to the Board, unless personally or professionally interested, or excused by the unanimous consent of the Board.
(Ord. 13-44, passed 4-15-2013)

§ 32.010 STANDING COMMITTEES.

(A) There shall be eight standing committees.

(B) Two of those committees shall be the “committees of the whole” Board, each having a Chairperson, and all other Board members shall be members of that committee. The purpose of these “committees of the whole” is to encourage full participation and discussion by Board members on the issues before committees. The County Board Chairperson shall appoint the Chairperson of each of these committees, with the assistance of the Vice Chairperson.

(C) These committees of the whole Board shall be:

- (1) Tax and Finance Committee of the Whole; and
- (2) Legislative/Personnel Committee of the Whole.

(D) At each of these committees of the whole Board, five members would need to be present to constitute a quorum.

(E) Six committees will not be committees of the whole Board, and will have three members to be appointed by the Chairperson, with the assistance of the Vice Chairperson. All Board members may attend and may participate, but only committee members may vote. The Chairperson and the Vice Chairperson of the County Board are members of these committees and may vote at these committees in the absence of a quorum. The County Board Chairperson or Vice Chairperson may vote at committee meetings in case of a tie on these committees. (Example: A committee member may be absent, resulting in two Board members being a quorum, with a tie occurring). If there is a tie in these committees, the agenda item will be forwarded to the full Board without any recommendations.

(F) These six committees are:

- (1) Insurance;
- (2) Public Safety;
- (3) Building and Grounds;
- (4) Health;
- (5) Road and Bridge; and
- (6) Reports.

(Ord. 13-44, passed 4-15-2013)

§ 32.011 ACTION OF COMMITTEE; REPORT.

The Chairperson of each committee shall give a brief report at the regular Board meeting, of action taken by that committee since the last meeting.

(Ord. 13-44, passed 4-15-2013)

§ 32.012 APPOINTMENT OF CHAIRPERSONS OF COMMITTEES.

The Chairperson, with the assistance of the Vice Chairperson, shall appoint a Chairperson to each of the Committees of the whole Board at the organization meeting, subject to approval by members of the Board. Special Committees may be appointed as the need dictates.

(Ord. 13-44, passed 4-15-2013)

§ 32.013 PARLIAMENTARY LAW.

Parliamentary law and Robert's Rules of Order shall prevail at meetings of the Board, unless otherwise specified herein.

(Ord. 13-44, passed 4-15-2013)

§ 32.014 BY-LAWS AMENDED.

These by-laws may be amended or suspended by a two-thirds majority of the full Board.

(Ord. 13-44, passed 4-15-2013)

§ 32.015 APPROPRIATIONS.

Upon presentation of petitions to the County Board for appropriations for bridges, or other major expenditures, by various townships, before the Board may act, the petition shall be referred to the Road and Bridge Committee for investigation.

(Ord. 13-44, passed 4-15-2013)

§ 32.016 BILLS; SERVICE, MILEAGE.

All bills for County Board service and mileage must give date of meeting and service rendered.

(Ord. 13-44, passed 4-15-2013)

§ 32.017 PRESIDING OFFICER; APPOINTMENTS.

Appointments shall be made by the presiding officer of the County Board, with the advice and consent of the County Board, unless otherwise provided by the state statutes.
(Ord. 13-44, passed 4-15-2013)

§ 32.018 OFFICERS.

Board Officers shall consist of a Chairperson and Vice Chairperson, each to be elected from the membership of the Board. It shall be the duty of the Vice Chairperson to assist and work with the Chairperson in conducting the business of the Board.
(Ord. 13-44, passed 4-15-2013)

§ 32.019 TELECONFERENCE.

Board members may participate in a Board meeting by teleconference if he or she is unable to attend the meeting due to illness or an emergency.
(Ord. 13-44, passed 4-15-2013)

COUNTY BOARD CHAIRPERSON**§ 32.030 ELECTION OF CHAIRPERSON.**

The County Board shall, at its first meeting in the month following the month in which County Board members are elected, choose one of its members as Chairperson for a term of two years and at the same meeting, choose one of its members as Vice Chairperson for a term of two years. The Vice Chairperson shall serve in the place of the Chairperson at any meeting of the County Board in which the Chairperson is not present. In case of the absence of the Chairperson and the Vice Chairperson at any meeting, the members present shall choose one of their number as temporary Chairperson. (See 55 ILCS 5/2-1003.)
(Prior Code, § 1-2-1)

§ 32.031 DUTIES OF THE CHAIR.

The County Board Chairperson shall preside at all meetings of the County Board. The Chair shall also be responsible for all personnel decisions involving County Board employees including, but not limited to, hiring, discipline, promotions, assignments and firing.
(Prior Code, § 1-2-2)

§ 32.032 VACANCY IN OFFICE OF COUNTY CHAIRPERSON.

If a vacancy occurs in the office of the Chairperson of the County Board, the remaining members of the Board shall elect one of the members of the Board to serve for the balance of the unexpired term of the Chairperson. See 55 ILCS 5/2-3009.

(Prior Code, § 1-2-3) (Ord. 91-23, passed 6-28-1991)

§ 32.033 CHAIRPERSON ABSENT FROM MEETING.

In case of the absence of the Chairperson and the Vice Chairperson at any meeting, the County Clerk shall convene the meeting and the members present shall choose one of their number as temporary Chairperson.

(Prior Code, § 1-2-4)

§ 32.034 CHAIRPERSON; REMOVAL OF APPOINTEES.

Any person appointed by the Chairperson of the County Board, with the advice and consent of the County Board, may be removed by the County Board Chairperson 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 Chairperson of the County Board.

(Prior Code, § 1-2-5)

§ 32.035 COUNTY REPRESENTATIVE DESIGNATED BY CHAIRPERSON.

(A) The County Board Chairperson shall be designated as the County Board representative at any meeting or convention.

(B) The Chairperson may designate one or more county officials, Board members or employees to assist or represent him or her in the transaction of official county business at such convention or meeting.

(Prior Code, § 1-2-6)

§ 32.036 EXPENSE CLAIMS.

All persons designated by the County Board Chairperson to represent the county shall obtain authorization from the Chairperson if they expect to have their expenses reimbursed by the county.

(Prior Code, § 1-2-7)

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MEMBERS; MEETINGS

§ 32.050 ELECTION OF COUNTY BOARD.

The county shall be divided into nine districts consisting as nearly as practical of equal numbers of residents as required by law after the federal census.

(Prior Code, § 1-3-1)

§ 32.051 TERM; SALARY.

The term of office for a member of the County Board shall be four years unless otherwise provided by reapportionment process when a two-year term is assigned to each district. The term of office shall commence on the first Monday in December following their election. Five of the members to be elected in November, 2002, shall serve for a period of four years, and four of said members shall serve for two years; which of said members to serve four years shall be determined by lot. The salaries for County Board members are established in §§ 34.008 and 34.009. See 55 ILCS 5/2-3009.

(Prior Code, § 1-3-2) (Ord. 91-23, passed 6-28-1991)

§ 32.052 VACANCY.

If a vacancy occurs on the County Board, the Chairperson of the County Board, with the advice and consent of the County Board, shall, within 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 55 ILCS 5/2-3009)

(Prior Code, § 1-3-3)

§ 32.053 MEETINGS; REGULAR.

(A) Monthly meetings of the County Board shall be held at 4:00 p.m. at the County Board room on the third Monday of each month unless otherwise ordered.

(B) At each regular and special meeting which is open to the public, members of the public and employees of the county shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the Board. See 55 ILCS 5/2-1001.

(Prior Code, § 1-3-4)

§ 32.054 SPECIAL MEETINGS.

Special meetings of the Board shall be held only when requested by at least one-third of the members of the Board, which request shall be in writing, and specifying the time and place of such meeting, upon reception 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. See 55 ILCS 5/2-1001 and 5/2-1002.

(Prior Code, § 1-3-5)

§ 32.055 OPEN MEETINGS.

The County Board shall sit with open doors, and all persons may attend their meetings. The vote on all propositions to appropriate money from the County Treasury shall be taken by “ayes” and “nays” and entered on the record of the meeting. See 55 ILCS 5/2-1006.

(Prior Code, § 1-3-6)

§ 32.056 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. See 55 ILCS 5/2-1005.

(Prior Code, § 1-3-7)

§ 32.057 PUBLIC COMMENT STANDARDS; VIDEO RULES.

(A) *Public comments.*

(1) (a) Sign up on a provided sheet which will be available at least five minutes before the meeting up to the time the meeting is scheduled to start.

(b) Speakers name or publicly recognized business or organization, and topic must be printed on the sign up sheet.

(2) The signup sheet will become part of the public record for the meeting.

(3) Speaking time will be limited to two to five minutes, per person, based upon the number of people signed up, at the discretion of the chair. The time may be extended at the discretion of the majority of sitting members upon motion and vote.

(4) The chair may extend an invitation to other people to speak at the chair’s discretion.

(5) The chair will make reasonable accommodations to insure fairness on public addressing various aspects of issues.

(6) First come first serve on the list.

(B) *Video rules.*

(1) Video cameras larger than a standard cell phone must be on a tripod, and set upon no closer than the fourth row of chairs on the north side or other designated area.

(2) All cameras will be set up and taken down either before or after the meeting is in session, no setup or take down is allowed during the meeting as this may cause a disruption.

(3) In no event will a video camera or the actions of a person capturing video, interfere with the vision of another person attending the meeting, or impede their ability to participate in the meeting.

(C) *Audio rules.* All audio recordings shall be made without causing a distraction of other people attending the meeting.

(D) *General provisions.* Anyone violating these provisions during an open meeting in progress will be asked once to comply with the rules by the chairperson of the meeting. If the person continues to fail to comply they will be asked to leave the meeting. Failure to comply, with this request, will result in the Sheriff removing the disruptive person.

(Ord. 18-02, passed 1-16-2018)

COUNTY BOARD RULES

§ 32.070 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.*

(1) The order of business shall be as follows:

(a) Opening prayer and pledge of allegiance by the Board or someone;

(b) Call to order by the Chairperson of the Board;

(c) Roll call;

- (d) Approve minutes, regular meeting;
- (e) Officers' reports;
- (f) Resolution of budget amendments;
- (g) Approve bills; County Board per diem and expenses;
- (h) Unfinished business;
- (i) Miscellaneous business;
- (j) New business;
- (k) Elected official reports;
- (l) Committee reports;
- (m) Correspondence;
- (n) Executive session (if needed); and
- (o) Adjourn to a certain fixed date.

(2) 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 question 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 Chairperson 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 wait until he or she is recognized by the Chairperson and address himself or herself to the presiding officer and say, "Mr. Chairperson," and then shall proceed with his or her remarks. He or she shall confine himself or herself to the question under debate, avoiding personalities and refrain from impugning the motives of any member's argument or remarks until further recognized by the Chair. When two or more members seek recognition 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 or herself from the balance of a meeting while the meeting is in session, shall first obtain consent from the Chairperson of the Board.

(E) *Visitors.* Any person not a member of the Board desiring to present a subject to the Board may do so only at the discretion of the Chairperson.

(F) *Resolutions and ordinances.* Resolutions and ordinances shall be submitted to the proper committee 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 or she 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) *Call of member to order.* A member, when called to order, by the Chair, shall thereupon discontinue speaking and take his or her seat, and the order and ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

(I) *Appeals from decision 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 or her reason for the same, and the Chair may briefly explain his or her ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the majority of the members present and voting, vote "No", the decision of the Chair shall be overruled; otherwise it shall be sustained.

(J) *Question 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 or her 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 he or she excused by the Board, or unless he or she is personally interested in the question, in which case, he or she shall not vote, except as otherwise provided by law. Members may opt out of voting or vote present.

(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 the proposer of the motion shall be entitled to the floor.

(M) *Withdrawal of motions.* After a motion or resolution is stated by the Chairperson, 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 Chairperson, by the mover with consent of his or her second.

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

(O) *Record 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 voted; explanations of voted 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 or her vote, but shall respond to the calling of his or her name by answering of yea or nay, as the case may be.

(Q) *Announcement and changes of vote.* The result of all votes of yeas and nays shall be announced by the Clerk, and no vote shall be changed after the vote has been announced by the Chairperson.

(R) *Precedence 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 day certain;
- (2) To adjourn;
- (3) To take a recess;
- (4) To lay on the table;
- (5) The previous question;
- (6) To refer or commit;
- (7) To amend;
- (8) To defer or postpone to a time certain;
- (9) To defer or postpone (without reference to time); and

(10) To defer or postpone indefinitely. Divisions (R)(2), (R)(4) and (R)(5) above to be decided without debate.

(S) *Motions to adjourn.*

- (1) Motion to adjourn the Board meetings shall always be in order, except:
 - (a) When a member is in possession of the floor;
 - (b) While the yeas and nays are being called;
 - (c) When the members are voting;

(d) When adjournment was the last preceding motion; or

(e) When it has been decided that the previous question shall be taken.

(2) 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 on this form: "Shall the main question now 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 then upon the main question.

(U) *Motions to lay on the table and to take from the table.*

(1) 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.

(2) 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 upon the table, provided two-thirds of the members present and voting, vote therefor.

(3) 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 question may be laid on the table, and neither the main motion nor such other pending question shall be affected thereby.

(V) *Indefinite postponement; motion to defer or postpone without any reference to time.*

(1) When consideration of the motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

(2) A motion to postpone indefinitely shall not open the main question to debate.

(3) A motion to defer or postpone without any 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 time certain.

(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.*

(1) A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

(2) 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.

(3) An amendment to the main question or other pending question may be referred to a committee, and neither the main question, nor such other pending question shall be affected thereby.

(Y) *Motion to substitute.* A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at 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.

(Z) *Reconsideration.*

(1) 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 reconsidered.

(2) 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 is 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.

(AA) *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 to which they are applicable and in which they are not inconsistent with the special rules of the Board.

(BB) *Temporary suspension of rules; amendment of rules.* These rules may be temporarily suspended by a roll call vote of a majority of the members of the Board present and voting immediately upon the termination of the business arising out of the event for which the rulers were suspended, these rules shall again be put in effect without further vote of the Board.

(CC) *Agenda.* The Chairperson of the Board shall prepare, or cause to be prepared, an agenda for all meetings and same shall be mailed to the members, three days prior to the County Board meeting by the Clerk of the Board (see Open Meetings Act, being 5 ILCS 120).

(Prior Code, § 1-4-1)

County Board41

COMMITTEES

§ 32.085 COMMITTEES.

Membership of all committees shall be as appointed by the Chairperson with the advice and consent of the entire Board. There shall be two separate types of committees: standing and special committees. The Chairperson shall be members of all standing committees and may vote at any committee meeting in the absence of a quorum.

(Prior Code, § 1-5-1)

§ 32.086 STANDING COMMITTEES.

(A) There shall be eight standing committees consisting of at least three members each.

(B) Each committee shall contain at least one member of the minority party as represented on the entire Board.

(C) Standing committees shall be as follows:

- (1) Tax and Finance Committee of the whole;
- (2) Public Buildings and Grounds;
- (3) Public Safety;
- (4) Legislative Committee of the whole;
- (5) Road and Bridge;
- (6) Health Services;
- (7) Reports; and
- (8) Insurance.

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

(E) Notice shall be given in advance to the County Clerk 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. The County Clerk shall post the time and place of such meetings.

(Prior Code, § 1-5-2)

§ 32.087 COMMITTEE RESPONSIBILITIES.

(A) All committees shall have responsibilities as set forth herein, and as delegated by the Chairperson.

(B) Each standing committee shall have the following duties:

(1) To act on all matters referred to the committee;

(2) To keep informed regarding appropriations and budget for activities and offices under the jurisdiction of the committee and to help keep expenditures within the budget;

(3) To review the proposed annual budget of the department or offices overseen prior to their submission to the Finance Committee and the County Board;

(4) To project the needs of the departments and offices overseen so that the County Board may develop a comprehensive plan for the future of county government; and

(5) To comply with all provisions of this subchapter regarding notice, the disposition of business and the agenda.

(Prior Code, § 1-5-3)

§ 32.088 SPECIFIC DUTIES OF STANDING COMMITTEES.

(A) Each standing committee shall have specific duties and responsibilities as set forth below. In the event of a matter of new business arising not specifically enumerated below the Board Chairperson shall determine the appropriate committee.

(B) Standing committees shall have the duties and responsibilities prescribed in divisions (B)(1) through (B)(9) below.

(1) *Tax and Finance Committee; duties.* The duties of the Tax and Finance Committee shall be in the following areas:

(a) Tax assessment and levy and preparation of budget;

(b) Supervisor of assessments;

(c) Board of Review;

- (d) Revenue sharing;
- (e) Overseeing and accounting county funds with County Treasurer;
- (f) Retirement - I.M.R.F.;
- (g) Technology/GIS telephone;
- (h) Veteran's Assistance Commission;
- (i) Data processing; bid letting of expenditures in excess of \$1,500; and
- (j) Printing and stationery.

(2) *Public Buildings and Grounds Committee; duties.* The duties of the Public Buildings and Grounds Committee shall be in the following areas:

- (a) Government Center;
- (b) Jail;
- (c) Emergency Management Administration Building;
- (d) A.D.A.;
- (e) Cemeteries; and
- (f) TREC Trail.

(3) *Health Services Committee; duties.* The duties of the Health Services Committee shall be in the following areas:

- (a) County Health and TB Department;
- (b) Solid Waste ADA;
- (c) Bovin TB;
- (d) Weed control; and
- (e) Nuclear waste.

(4) *Reports Committee; duties.* The duties of the Reports Committee shall be in the following areas:

- (a) Review minutes;
- (b) Review officer's reports;
- (c) Release Closed Session Minutes; and
- (d) Senior citizens.

(5) *Public Safety Committee; duties.* The duties of the Public Safety Committee shall be in the following areas:

- (a) E.M.A., Emergency Disaster, Civil Defense;
- (b) 9-1-1;
- (c) Sheriff;
- (d) Dive team;
- (e) Nuclear safety;
- (f) Court security;
- (g) Ambulance;
- (h) Law enforcement;
- (i) Coroner; and
- (j) Animal Control.

(6) *Legislative Committee; duties.* The duties of the Legislative Committee shall be in the following areas:

- (a) County and regional planning;
- (b) Agriculture Extension Department;
- (c) Elections;
- (d) Policy; personnel; public relations; and

(e) Zoning and planning.

(7) *Road and Bridge; duties.* The duties of the Road and Bridge shall be in the following areas:

(a) County highway; road and bridges (includes county line bridges and Wabash river bridges);

(b) Aid to township roads;

(c) County aid for township bridges;

(d) Subdivision ordinances; and

(e) Airport; operation and extension.

(8) *Insurance Committee; duties.* The duties of the Insurance Committee shall be in the following areas:

(a) Review health, life, dental and vision insurance;

(b) Review general liability/casualty, unemployment and worker's compensation coverage;

(c) Keep airport coverage current; and

(d) Prepare bids or quotes as necessary.

(Prior Code, § 1-5-4)

§ 32.089 COMMITTEE MEETINGS.

As much as practicable, committees shall designate a regular meeting time and place. Any member of a committee, or the County Board Chairperson may call a committee meeting at any time.

(Prior Code, § 1-5-5)

§ 32.090 SPECIAL COMMITTEES.

The Chairperson may appoint special committees to study and make recommendations on specific problems.

(A) *Membership.* Each special committee must consist of at least three members. The committee must contain at least one member of the minority political party and in cases in which more than three members are appointed to special committee it must consist of members appointed in the same ratio as memberships by political party on the entire Board, except by consent of the majority of the minority party.

(B) *Reports.* Each special committee shall report at every regularly scheduled meeting of the entire Board.

(Prior Code, § 1-5-6)

§ 32.091 PUBLIC NOTICE.

(A) The County Board and any committee thereof shall give public notice of the schedule of their regular meetings at the beginning of each fiscal year. Said notice shall state the regular dates, times and places of such meetings.

(B) Public notice of any special meeting or any rescheduled regular meeting or any reconvened meeting shall be given at least 48 hours before meeting; however, this requirement of public or reconvened meeting does not apply to any case where the meeting is to be reconvened within 24 hours not to any case where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

(1) Public notice shall be given by posting a copy of the notice in the county building.

(2) Notice of regular meetings of the County Board and committees thereof and of the notice of any special, rescheduled or reconvened meetings shall be given to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Any such news media shall be given 48 hours' notice of all special, rescheduled or reconvened meetings pursuant to this section and subject to its limitations.

(Prior Code, § 1-5-7)

§ 32.092 PROCEDURE.

(A) Each member of the County Board or its committees shall submit to the Board Office a list of resolutions and ordinances to be brought by him or her before the meeting of the Board or committee.

(B) They shall submit proposed copies of resolutions and ordinances.

(C) The list of proposed resolutions and ordinances must be in possession of the Board Office no later than 2:00 p.m. on the Thursday preceding the Board or committee meeting.

(D) From the list submitted, the County Clerk shall prepare an agenda including unfinished business for the meeting and make available copies of the same with proposed resolutions and ordinances attached to all elected Board members no later than 4:00 p.m. Friday, preceding the Board or committee meeting.

(E) All ordinances and resolutions proposed shall include the committee name or individual sponsoring same.

(F) Any subject matter not on the agenda shall not come before the Board or committee meeting.

(G) Any subject matter not on the agenda shall not come before the Board or committee unless the agenda is waived by two-thirds vote of members present.
(Prior Code, § 1-5-8)

§ 32.093 COUNTY SEAL.

The seal provided by the County Board shall be circular in form consisting of the words “Effingham County, Illinois” and the year “1831” in the outer circle. In the center of the seal shall be a map of the state with the county’s boundaries depicted in a drawing.
(Prior Code, § 1-5-9)

COMMITTEE ATTENDANCE

§ 32.105 ATTENDANCE REQUIREMENTS.

The Effingham County Board hereby establishes attendance requirements for individuals appointed to serve on these various committees by the Effingham County Board. Said attendance requirements shall be as follows:

(A) *Committees meeting more than four times per year (more than once a quarter).* An appointed member of a committee that meets more than four times per year shall not acquire three successive absences from that particular committee.

(B) *Committees meeting four or less times per year (or, Committees that meet quarterly).* An appointed member of a committee that meets four or less times per year shall not acquire more than two absences during any 12-month period of the individual’s appointment.
(Ord. 15-102 , passed 12-21-2015)

§ 32.106 OBLIGATION OF COMMITTEE MINUTES TO RECORD ALL ABSENCES.

Any and all absences of the committee will be noted in the committee minutes when role call is taken. A committee member shall be considered present when the member arrives in time to participate in relevant actions of the committee. The member attending late must be allowed to participate in the meeting. However, the committee members late arrival shall be noted in the minutes. However, a late arrival at a committee meeting shall not be considered an absence.
(Ord. 15-102, passed 12-21-2015)

§ 32.107 REMEDIES FOR VIOLATING ATTENDANCE POLICY.

Any committee member appointed by the County Board who violates this ordinance shall forfeit his or her seat on that particular committee. Further, that the County Board formally may remove the member from the particular committee, for good cause, and the County Board shall have the authority to appoint another individual for this vacancy caused by the violation of this ordinance.

(Ord. 15-102, passed 12-21-2015)

CHAPTER 33: OFFICIALS AND EMPLOYEES

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GENERAL PROVISIONS**§ 33.01 SHERIFF'S DEPUTY AND COURT SECURITY PERSONNEL CAPACITY.**

(A) The County Board authorizes the Sheriff of the county to hire and maintain a staff of 17 full-time deputy Sheriff personnel.

(B) The County Board authorizes the Sheriff of the county to hire and maintain a staff of three full-time court security officers.

(C) The Sheriff may hire part-time deputy Sheriff personnel as needed to fill vacant shifts and to provide additional security and patrol enforcement.

(D) The Sheriff may hire part-time court security officers as needed to fill vacant shifts and to provide additional security as needed in the courthouse.

(E) All Deputy Sheriffs and court security officers must meet the requirements of the state, and the county and be approved by the Sheriff and the County Board prior to being hired.

(F) Any person hired after the effective date of this section that fails to meet the requirements of this section, shall not receive compensation, insurance benefits, nor be recognized or indemnified by the county as an employee or deputy sheriff or court security officer.

(Ord. passed 11-17-2014)

§ 33.02 EMPLOYEES' MILEAGE REIMBURSEMENT.

The county will pay for travel by private auto (one payment per vehicle) at the rate of compensation of \$0.50 per mile.

(Ord. passed 12-21-2009)

§ 33.03 EMPLOYEE PERSONNEL CODE.

The Employee Personnel Code is hereby adopted by reference and included in this code as fully as if set out at length herein.
(Prior Code, Chapter 11)

§ 33.04 HIGHWAY DEPARTMENT DRUG AND ALCOHOL ABUSE POLICY.

The Highway Department Drug and Alcohol Abuse Policy is hereby adopted by reference and included in this code as fully as if set out at length herein.
(Prior Code, Exhibit A)

§ 33.05 SEXUAL HARASSMENT POLICY.

(A) *Adoption of Discrimination and Sexual Harassment Policy.* The policy prohibiting sexual harassment, included as Exhibit A to Ordinance 17-100, passed December 18, 2017, is hereby adopted by reference and included in this code as fully as if set out at length herein.

(B) *Existing policies.* All prior existing sexual harassment policies of the county that conflict with the policy contained in Ordinance 17-100 shall be superseded by the Policy Prohibiting Sexual Harassment adopted by this section.
(Ord. 17-100, passed 12-18-2017)

GIFT BAN

§ 33.15 DEFINITIONS.

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

COMMISSION. An Ethics Commission created by the County Board of Effingham County, Illinois.

ELECTED OFFICIAL. A person elected or appointed to an elective county office, but does not include the Circuit Clerk or State’s Attorney.

EMPLOYEE. All full-time or part-time employees of elected and appointed officials of the county; elected and appointed officials of the county, whether salaried or non-salaried.

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

POLITICAL ORGANIZATION. A party, committee, association, fund or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, 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 election of presidential or vice presidential electors, whether or not the individual or electors are selected, nominated, elected or appointed. The term includes an organization that makes expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a federal income tax deduction for trade or business expense.

PROHIBITED SOURCE. Any person or entity whom:

(1) Is seeking official action by the employee, by another employee directing the first employee, or by the county;

(1) Does business or seeks to do business with the employee, with another employee directing the first employee, or with the county;

(2) Conducts activities regulated by the employee, by another employee directing the first employee, or by the county.

(3) Has interests that may be substantially affected by the performance or non performance of the official duties of the employee; or

(4) Is subject to an ordinance or resolution of the county that regulates lobbying as authorized by the Lobbyist Registration Act, being 25 ILCS 170/1 et seq.

SUBSIDIARY BODY. Any board, commission or committee, created or authorized by statute or ordinance of the county.

ULTIMATE JURISDICTIONAL AUTHORITY. The following:

(1) For an employee who is not an elected official, the elected or appointed official or subsidiary body of the county with ultimate power to discipline the employee; and

(2) For an elected official, the County Board.
(Ord. 1999-32, passed 6-28-1999)

§ 33.16 GIFT BAN.

Except as otherwise provided in this subchapter, no employee shall solicit or accept any gift from any prohibited source or in violation of any federal or state statute, rule, regulation or any ordinance or resolution. This ban applies to and includes spouse of and immediate family living with the employee. No prohibited source shall offer or make a gift that violates this section.
(Ord. 1999-32, passed 6-28-1999)

§ 33.17 EXCEPTIONS.

The restriction in § 33.16 does not apply to the following:

(A) Anything for which the employee pays the market value of anything not used and promptly disposed of as provided in § 33.19;

(B) A contribution as defined in Article 9 of the Election Code, being 10 ILCS 5/9-1 et seq., that is lawfully made under that Code or attendance at a fundraising event sponsored by a political organization;

(C) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, first cousin, nephew, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, half brother or half sister, and including the father, mother, grandfather or grandmother, of the individual's spouse and the individual's finance or fiancée;

(D) Anything provided by an individual on the basis of a personal friendship unless the employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the employee and not because of the personal friendship; in determining whether a gift is provided on the basis of personal friendship, the employee 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 to the actual knowledge of the employee 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 employee the individual who gave the gift also at the same time gave the same or similar gifts to other employees.

(E) A commercially reasonable loan evidenced in writing with repayment due by a date certain made in the ordinary course of the lender's business;

(F) A contribution or other payments to a legal defense fund established for the benefit of an employee that is otherwise lawfully made;

(G) Intra-office and inter-office gifts. For the purpose of this subchapter, *INTRA-OFFICE GIFTS* and *INTER-OFFICE GIFTS* mean:

(1) Any gift given to an employee from another employee;

(2) Any gift given to an employee from an elected official or employee of another unit of local government or school district; or

(3) Any gift given to an employee from a member, officer or employee subject to the State Gift Ban Act, being 5 ILCS 430/10-10 et seq., as those terms are defined in that Act.

(H) Food, refreshments, lodging, transportation and other benefits:

(1) Resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the employee as an employee) of the employee other spouse of the employee, if the benefits have not been offered or enhanced because of the official position or employment of the employee and are customarily provided to others in similar circumstances;

(2) Customarily provided by a prospective employer in connection with bona fide employment discussions; or

(3) Provided by a political organization in connection with a fundraising or campaign event sponsored by that organization.

(I) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan;

(J) Informational materials that are sent to the office of the employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes or other forms of communication;

(K) Awards or prizes that are given to competitors in contests or events open to the public, including random drawings;

(L) Honorary degrees (and associated travel, food, refreshments and entertainment provided in the presentation of degrees and awards);

(M) Training (including food and refreshments furnished to all attendees as an integral part of training) provided to an employee if the training is in the interest of the county;

(N) Educational mission, including meetings with government officials either foreign or domestic, intended to educate public officials on matters of public policy, to which the employee may be invited to participate along with other federal, state or local public officials and community leaders;

(O) Bequests, inheritances and other transfers at death;

(P) Anything that is paid for by the federal government, the state, a unit of local government or a school districts, or secured by the government under a government contract;

(Q) A gift of personal hospitality of an individual other than a regulated lobbyist or agent of a foreign principal, including hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual's family or on property or facilities owned by that individual or the individual's family;

(R) Free attendance at a widely attended event permitted under § 33.18;

(S) Opportunities and benefits that are:

(1) Available to the public or to a class consisting of all employees whether or not restricted of all employees whether or not restricted on the basis of geographic consideration;

(2) Offered to members of a group or class in which membership is unrelated to employment or which membership is unrelated to employment or official position;

(3) Offered to members of an organization such as an employee's association or credit union, in which membership is related to employment or official position and similar opportunities are available to large segments of the public through organizations of similar size;

(4) Offered to any group or class that is not defined in a manner that specifically discriminates among government employees on the basis of branch of government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(5) In the form of loans from banks and other financial institutions on terms generally available to the public; or

(6) In the form of reduced membership or other fees for participation in organization activities offered to all government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(T) A plaque, trophy or other item is substantially commemorative in nature and that is extended for presentation;

(U) Golf or tennis; food or refreshments of nominal value and catered food or refreshments; meals or beverages consumed on the premises from which they purchased;

(V) Donations of products from an Illinois company that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient; or

(W) An item of nominal value such as a greeting card, baseball cap or T-shirt.
(Ord. 1999-32, passed 6-28-1999)

§ 33.18 ATTENDANCE AT EVENTS.

(A) An employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, provided by the sponsor of the event, if:

(1) The employee participates in the event as a speaker or a panel participant, by presenting information related to government, or by performing a ceremonial function appropriate to the employee's official position or employment; or

(2) Attendance at the event is appropriate to the performance of civic affairs in the state or the official duties or representative function of the employee.

(B) An employee who attends an event described in division (A) above may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual.

(C) An employee, or the spouse or dependent of an employee, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

(D) For purposes of this section, the term *FREE ATTENDANCE* may include waiver of all or part of a conference or other fee, the provision of transportation, or the provision of food, refreshments, entertainment and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees, except as authorized under § 33.17(U).

(Ord. 1999-32, passed 6-28-1999)

§ 33.19 DISPOSITION OF GIFTS.

The recipient of a gift that is given in violation of this subchapter may, at his or her discretion, return the item to the donor or give the item or an amount equal to its value to an appropriate charity.

(Ord. 1999-32, passed 6-28-1999)

§ 33.20 REIMBURSEMENT.

(A) A reimbursement (including payment in kind) to an employee from a private source other than a regulated lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, fact finding trip or similar event in connection with the duties of the employee as an employee shall be deemed to be a reimbursement to the county and not a gift prohibited by this subchapter if the employee:

(1) Disclose the expenses reimbursed or to be reimbursed and the authorization to the County Auditor within 30 days after the travel is completed; and

(2) In case of an employee under direct supervision of another employee, receives advance authorization from the supervising employee to accept reimbursement.

(B) For purpose of division (A) above, events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of an employee as an employee.

(C) Each advance authorization to accept reimbursement shall be signed by the employee under whose direct supervision the employee works and shall include:

(1) The name of the employee;

(2) The name of the person who will make the reimbursement;

(3) The time, place and purpose of the travel; and

(4) A determination that the travel is in connection with the duties of the employee as an employee and would not create the appearance that the employee is using public employment for private gain.

(D) Each disclosure made under division (A) above of expenses reimbursement or to be reimbursed shall be signed by the employee or, in the case of an employee, by the supervising employee and shall include:

- (1) A good faith estimate of total transportation expenses reimbursed or to be reimbursed;
- (2) A good faith estimate of total lodging expenses reimbursed or to be reimbursed;
- (3) A good faith estimate of total meal expenses reimbursed or to be reimbursed;
- (4) A good faith estimate of the total of other expenses reimbursed or to be reimbursed; and
- (5) A determination that all those expenses are necessary transportation, lodging and other related expenses.

(Ord. 1999-32, passed 6-28-1999)

§ 33.21 ETHICS OFFICER.

The Chairperson of the County Board shall be the Ethics Officer for the county. The Chairperson of the County Board or his or her designee shall:

(A) Review statements of economic interests and disclosure forms of county employees before they are filed with the County Clerk; and

(B) Provide guidance to county employees in the interpretation and implementation of this subchapter.

(Ord. 1999-32, passed 6-28-1999)

ETHICS PROVISIONS

§ 33.40 DEFINITIONS.

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

CAMPAIGN FOR ELECTIVE OFFICE. 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. 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 § 1-3 of the Election Code (10 ILCS 5/1-3).

COLLECTIVE BARGAINING. Has the same meaning as that term is defined in § 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

COMPENSATED TIME. 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 subchapter, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, **COMPENSATED TIME** includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

COMPENSATORY TIME OFF. 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 § 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

EMPLOYEE. A person employed by the employer, 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. The following elected officials of Effingham County: the Auditor, Coroner, County Clerk, Recorder, Sheriff, and Treasurer, with respect to the officers and employees of their respective offices. **EMPLOYER** also means the Effingham County Board with respect to the officers and employees not under the authority of any elected official. This subchapter does not apply to the following elected officials or their officers and employees: Judges of the Fourth Judicial Circuit, the Clerk of the Circuit Court, and the State's Attorney.

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

LEAVE OF ABSENCE. 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.

NEPOTISM. Favoritism (as in appointment to a job) based on kinship.

OFFICER. 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. 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. 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 § 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.

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

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

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

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

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

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

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

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

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

(10) Preparing or reviewing responses to candidate questionnaires.

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

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

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

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

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

PROHIBITED SOURCE. Any person or entity who:

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

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

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

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

(Ord. 14-07, passed 12-15-2014; Ord. 17-48, passed - -)

§ 33.41 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 employer 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 political activity.

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

(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.

(Ord. 14-07, passed 12-15-2014; Ord. 17-48, passed - -) Penalty, see § 33.99

§ 33.42 GIFT BAN.

(A) *Gift ban.* Except as permitted by this subchapter, 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.

(B) (1) *Exceptions.* Division (A) of this section is not applicable to the following:

(a) Opportunities, benefits, and services that is available on the same conditions as for the general public;

(b) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value;

(c) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a 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: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members;

(h) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this section, **CATERED** means food or refreshments that are purchased ready to consume which are delivered by any means;

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

(j) Intra-governmental and inter-governmental gifts. For the purpose of this subchapter, **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; or

(l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

(2) Each of the exceptions listed in this section is mutually exclusive and independent of every other.

(C) *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 subchapter 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 § 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. 14-07, passed 12-15-2014; Ord. 17-48, passed - -) Penalty, see § 33.99

§ 33.43 NEPOTISM.

(A) *Prohibition against nepotism in hiring employees for county offices.* No county employee, including but not limited to an elected or appointed executive department head or an employee in a managerial position of a given department, shall be in a position that provides supervision over a member of his or her family. This prohibits the acceptance of applications for full-time, part-time, or seasonal employment from relatives for positions in the same department where supervision conflicts exist or through promotion, potential conflict could exist.

(B) *Definition of family members.* **FAMILY MEMBERS** shall be defined as an employee’s parent, child, spouse, domestic partner, cohabitant, brother, sister, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, and any step relationships within the preceding categories.

(C) *Grandfather provision for current county employees.* These policies do not apply to present employees of the county. However, employees hired on or after April 16, 2013 will be required to resign their employment from the county if his or her relationship status with his or her supervisor changes to become covered under this provision. Further, pursuant to this subchapter, employees are required to disclose changes in their personal situations, which, may be covered under this nepotism policy. Also, pursuant to this subchapter, current county employees cannot later be promoted to a supervisory position over a family member. If a current county employee later is promoted to a supervisory position over a family member, the promoted county employee must resign his or her employment with the county.

(D) *Purpose of prohibiting nepotism in county hiring processes.* These policies are not for the purpose of depriving any citizen of an equal chance for a government job. Rather, these policies are intended to ensure effective supervision, internal discipline, security, safety and positive morale in the workplace. These policies also aim to avoid the appearance of favoritism, conflicts in loyalty, the appearance of impropriety and conflicts of interest. (Ord. 14-07, passed 12-15-2014; Ord. 17-48, passed - -) Penalty, see § 33.99

§ 33.44 ETHICS ADVISOR.

(A) The County Board Chairman, with the advice and consent of the County Board shall designate an Ethics Advisor for Effingham County. The duties of the Ethics Advisor may be delegated to an officer or employee of Effingham County unless the position has been created as an office by Effingham County.

(B) The Ethics Advisor shall provide guidance to the officers and employees of Effingham County concerning the interpretation of and compliance with the provisions of this subchapter and state ethics law. The Ethics Advisor shall perform such other duties as may be delegated by the County Board.
(Ord. 17-48, passed - -)

§ 33.45 ETHICS COMMISSION.

(A) There is hereby created a commission to be known as the Ethics Commission of Effingham County. The Commission shall be comprised of three members appointed by the County Board Chairman with the advice and consent of the County Board. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to an elected officer of Effingham County. No more than two members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

(B) At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve two-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to two-year terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two commissioners. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members.

(C) The County Board Chairman, with the advice and consent of the County Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten days' notice. Vacancies shall be filled in the same manner as original appointments.

(D) The Commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers;

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with § 33.99(B) and refer violations of §§ 33.A41 or 33.42 to the appropriate attorney or prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this subchapter and not upon its own prerogative;

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this subchapter;

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Effingham County to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge; and

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this subchapter.

(E) (1) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.

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

(3) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this subchapter, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven business days after receiving the complaint. If the complaint is deemed sufficient to allege a violation of § 33.42 and there is a determination of probable cause then the Commissioner's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or it there is no determination of probably cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public. If the complaint is deemed

sufficient to allege a violation of § 33.41, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(4) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

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

(6) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the County Board Chairman or other officer having authority to discipline the officer or employee or impose a fine upon the violator or both.

(7) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under division (E)(5) of this section within seven days after the complaint is filed, and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(8) The Commission may fine any person who intentionally violates any provision of § 33.42 in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.

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

(Ord. 17-48, passed - -)

§ 33.46 VALIDITY.

(A) In the event that any provision of this subchapter or any part or application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this subchapter or any part or application thereof to any person or circumstance of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the employer that this subchapter would have been adopted had such unconstitutional, invalid, or ineffective provisions not been included herein.

(B) All previous resolutions, ordinances or parts thereof in conflict with this subchapter are hereby repealed upon the effective date of this subchapter.

(Ord. 14-07, passed 12-15-2014; Ord. 17-48, passed - -)

APPOINTED OFFICIALS

§ 33.55 TERM OF APPOINTED OFFICIALS.

The term of office for the following appointed officials shall be from appointment until the first County Board meeting following the date County Board members take office after each general election that County Board members are candidates for office. The County Board shall vote on appointment to the offices at said Board meeting.

(Prior Code, § 1-10-1)

§ 33.56 EMERGENCY MANAGEMENT COORDINATOR.

(A) *Appointment.* The County Board Chairperson shall appoint, with the advice and consent of the County Board, a Coordinator of the Emergency Management Agency who shall serve at the will of the County Board.

(B) *Salary.* The Coordinator shall receive a salary as established in the annual budget.

(C) *Duties.* The duties shall be as follows:

(1) Act as staff officer to and perform all duties as required by the Chief Elected Official of the county;

(2) Have direct responsibility for the organization, administration, training and operation of County Emergency Management Agency (hereinafter “EMA”) and volunteers;

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- (3) Advise and facilitate training for the county businesses, and any other organizations, public or private, in mitigation, preparation and response to natural and human-made disasters;
- (4) Assist, advise and facilitate the county school districts in mitigation, preparation and response to natural and human-made disasters;
- (5) Coordinate various community volunteer groups with first responders during disasters, maintain a working relationship, provide training and integrate the volunteer groups into the first response community;
- (6) Facilitate emergency preparedness training and outreach programs to the general public;
- (7) Administer programs and grants from state and federal entities;
- (8) Maintain the County's Emergency Operations Plan (hereinafter "EOP") and Resource Manual;

- (9) Maintain the Emergency Operations Center at state of readiness;
- (10) Fulfill all state requirements to maintain the emergency management programs;
- (11) Act as an intermediary between local first responders and county entities;
- (12) Assist local communities' mitigation, response and recovery actions;
- (13) Access state and federal assets;
- (14) Serve as the Local Emergency Planning Committee's (hereinafter "LEPC") chair, maintain the LEPC and EOP as well as track HazMat substances;
- (15) Initiate and maintain public safety programs;
- (16) Report activities and concerns to the County Board and its Public Safety Committee;
- (17) Assist the county coordinators of the Homeland Security Program for Region 17 Fire and HazMat and Region 9 for the Law Enforcement; and
- (18) The normal work week will be 30 hours a week. The days and hours worked will be adjusted by the job duties.
(Prior Code, § 1-10-2)

§ 33.57 COUNTY ENGINEER.

- (A) *Appointment.* The County Board Chairperson shall appoint, with the advice and consent of the County Board, a County Engineer.
- (B) *Duties.* See the County Code for the duties and responsibilities.
- (C) *Term.* The County Engineer shall serve a term of office of six years.
(Prior Code, § 1-10-3)

§ 33.58 SOLID WASTE COORDINATOR.

- (A) The Solid Waste Coordinator shall oversee the following implementation activities:
 - (1) *Data collection.* Annually collect and analyze the data required to calculate the county's municipal waste recycling rate and forward this data to the IEPA for their review and approval;
 - (2) *Source reduction.* Coordinate the implementation and operation of source reduction programs for all municipal, educational, commercial and industrial entities in the county;

(3) *Recycling/reuse*. Coordinate the implementation and operation of recycling/reuse programs for all municipal, educational, commercial and industrial entities in the county. Special emphasis shall be given to defining market potentials for recyclable materials;

(4) *Incineration*. Act as the principal liaison between the county and private industry to investigate the feasibility of any future proposals for the incineration of solid waste in waste-to-energy or volume reduction incineration facilities;

(5) *Landfills*. Monitor all efforts for the expansion of existing landfills or development of new landfills in the county. Assume a leading role in providing input to the required siting/permit hearings in regards to how any proposed expansion or additional landfill fits into the county's overall solid waste management plan;

(6) *Public education*. Coordinate the implementation and operation of educational programs to provide information on solid waste management throughout the county. Educational programs shall be made available to the public/private school systems, commercial and industrial entities, and to the general public;

(7) *Inspection/enforcement*. Work in cooperation with the State Environmental Protection Agency to ensure that all solid waste facilities in the county are operated in compliance with applicable regulations;

(8) *Multi-county coordination*. Coordinate the county's solid waste management plan activities with the solid waste management plans of surrounding counties. Special emphasis shall be given to developing multi-county efforts in the area of markets for recycled material;

(9) *Economic development*. Work with existing economic development agencies to explore the economic development opportunities associated with solid waste management programs and facilities; and

(10) *Legislative*. Coordinate the county's lobbying efforts for solid waste legislation at the local, state and federal levels.

(B) It is important to note that the primary function of the Solid Waste Coordinator will be to assist in the development, implementation and coordination of solid waste management programs and facilities throughout the county. The detailed day-to-day tasks of operating and maintaining these programs and facilities will be the responsibility of the staffs of the various governmental entities and private contractors involved.

(Prior Code, § 1-10-4)

§ 33.59 APPOINTMENTS BY COUNTY.

The terms of employment of the following appointed superintendents of county administrative departments and the services of members of the following boards, commissions and authorities shall be fixed as follows.

(A) Boards and Commissions.

<i>Boards and Commissions</i>	<i>Number of Member(s)</i>	<i>Term</i>	<i>Appointment Month</i>
Fire Protection Districts		3 years	May 1
Sanitary Districts		3 years	May 1
9-1-1 Telephone System Board (see §§ 35.001 through 35.010)	9	2 - 4 years	Varies
Agricultural Area Board	5	3 years	May
Airport Commission	5	3 years	Varies
Board of Health	11	2 years	Varies
Board of Review	3	2 years	May
Community Dev. Comm.	1	2 years	December
Dive Rescue	3	4 years	May
Effingham County Extension	2	2 years	December
Farmland Assess. Review Comm.	3	2 years	June
Housing Authority	7	Varies	Varies
Mental Deficient	5	3 years	Varies
Mental Health Board (708) (see §§ 35.025 through 35.038)	7	3 years	June
Regional Planning Commission	1	2 years	December
Scrip & DC Board of Comm.	3	2 years	December
Veterinarian	1	2 years	Varies
Unless otherwise provided, each appointee shall take office the first of the month following the appointment			

(B) *Appointed county officials.*

<i>Appointed County Officials</i>	<i>Term</i>
9-1-1 Coordinator	Subject to will
Animal Control Warden	Subject to will
E.M.A. Coordinator	Subject to will
Highway Engineer	6 years
Liquor Commissioner (Co-Board Chairman)	2 years
(Elected)	4 years

(Prior Code, § 1-10-5)

REIMBURSEMENT OF TRAVEL, MEAL, AND LODGING EXPENSES

§ 33.70 DEFINITIONS.

The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ENTERTAINMENT. Includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

TRAVEL. Any expenditure directly incident to official travel by employees and officers of the county or by wards or charges of the county involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(Ord. 16-79, passed 10-17-2016; Ord. 17-03, passed 1-17-2017)

§ 33.71 OFFICIAL BUSINESS FOR WHICH EXPENSES MAY BE REIMBURSED.

(A) An official of the county shall be entitled to reimbursement for travel, including meals or lodging, related to the following types of official business:

- (1) Education conferences related to the duties of the officer of the county;

(2) Site visits to current or potential vendors of the county; and

(3) All visits, inspections and/or other required duties of any employee acting in his or her official capacity as an employee or officer of the county.

(B) An employee shall be entitled to reimbursement for travel, including -meals or lodging, related to the following types of official business:

(1) Education conferences related to the duties of the employee of the county;

(2) Site visits to current or potential vendors of the county; and

(3) All visits, inspections and/or other required duties of any employee acting in his or her official capacity as an employee or officer of the county.

(Ord. 16-79, passed 10-17-2016; Ord. 17-03, passed 1-17-2017)

§ 33.72 MAXIMUM ALLOWABLE REIMBURSEMENT FOR EXPENSES.

(A) Unless otherwise excepted herein, the maximum allowable reimbursement for an employee or officer of the county shall be those rates set by the Reimbursement Schedule of the Governor’s Travel Control Board in effect at the time the expense was incurred.

(B) The following exceptions shall not be controlled by the Reimbursement Schedule of the Governor’s Travel Control Board and shall be limited as indicated:

(1) Mileage reimbursement will be readjusted each budget year by issuing IRS rate as guideline;

(2) Meals will be reimbursed at \$30 per day;

(3) Rooms will be reimbursed at a single room rate; and

(4) There will be no reimbursement for entertainment.

(Ord. 16-79, passed 10-17-2016; Ord. 17-03, passed 1-17-2017)

§ 33.73 APPROVAL OF EXPENSES.

The Board must approve the following reimbursements for travel, including meals or lodging, by a roll call vote at an open meeting of the Board:

(A) Any expense of any officer or employee that exceeds the maximum permitted in § 33.72; or

(B) Any expense of any member of the Board.
(Ord. 16-79, passed 10-17-2016; Ord. 17-03, passed 1-17-2017)

§ 33.74 DOCUMENTATION OF EXPENSES.

(A) Before any reimbursement for travel, including meals or lodging, may be approved pursuant to § 33.73, a standardized form for submission of travel, meal, and lodging expenses supported by the following minimum documentation shall first be submitted to the Board:

(1) An estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred;

(2) The name of the individual who received or is requesting the travel, meal, or lodging expense;

(3) The job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and

(4) The date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended.

(B) All documents and information submitted under this section are public records subject to disclosure under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*
(Ord. 16-79, passed 10-17-2016; Ord. 17-03, passed 1-17-2017)

§ 33.75 ENTERTAINMENT EXPENSES.

No employee or officer of the county shall be reimbursed by the county for any entertainment expense.

(Ord. 16-79, passed 10-17-2016; Ord. 17-03, passed 1-17-2017)

§ 33.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) A person who intentionally violates any provision of § 33.41 may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(2) A person who intentionally violates any provision of § 33.42 is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(3) A violation of § 33.41 shall be a Class A misdemeanor. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(4) A violation of § 33.42 may be prosecuted as a business offense.

(5) A person who intentionally violates § 33.43 and is an elected or appointed department head, is subject to a fine in the amount of \$100 per day for each and every separate violation of § 33.43.

(6) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of §§ 33.41, 33.42 or 33.43 is subject to discipline or discharge.

(Ord. 14-07, passed 12-15-2014; Ord. 17-48, passed - -)

CHAPTER 34: POLICIES AND PROCEDURES

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POLICIES AND PROCEDURES GENERALLY

§ 34.001 CAPITALIZATION POLICY.

For the purposes of the Governmental Accounting Standards Board Statement 34, the policy is established.

(A) The minimum capitalization amount for individual equipment is \$5,000, for buildings and improvements is \$10,000, and for infrastructure assets (roads, bridges, culverts, curbs, sidewalks, lighting systems, gutters and drainage systems) is \$10,000.

(B) The cost for maintenance will be expensed.

(C) The costs for capital assets and infrastructure will be capitalized and depreciated on a retroactive basis beginning in fiscal year 2006.

(D) The following depreciation methods are established:

- (1) Equipment: seven years, straight line;
- (2) Vehicles under 13,000 gross vehicle weight: five years, straight line;
- (3) Vehicles 13,000 gross vehicle weight: ten years, straight line;
- (4) Other improvements: 20 years, straight line;
- (5) Buildings: 40 years, straight line;
- (6) Asphalt road improvements: 20 years, straight line;
- (7) Concrete road improvements: 40 years, straight line;
- (8) New oil and chip roads: 40 years, straight line;
- (9) Bridges: 50 years, straight line; and
- (10) Other infrastructure: 20 years, straight line.

(Ord. 07-64, passed 9-17-2007)

§ 34.002 BIDDING AND CONTRACT PROCEDURES.

(A) *Competitive bidding required.* Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for

supplies, materials and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B) *Formal contract procedure.* All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed \$20,000, shall be purchased from the lowest responsible bidder, after due notice inviting bids.

(C) *Notice inviting bids.* Notice inviting bids shall be published at least once in a newspaper with general circulation within the county. The county shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the courthouse.

(D) *Scope of notice.* The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and the time and place for opening bids.

(E) *Bid deposits.* When deemed necessary by the County Board, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the County Board. A successful bidder shall forfeit any bid deposit required by the Board upon failure on his or her part to enter into a contract within ten days after the award.

(F) *Bid opening procedure.*

(1) *Sealed.* Bids shall be submitted sealed to the county and shall be identified as bids on the envelope.

(2) *Opening.* Bids shall be opened in public at the time and place stated in the public notice.

(3) *Tabulation.* A tabulation of all bids received shall be made by the Board or by a county employee, in which event, a tabulation of the bids shall be furnished to the County Board at its next regular meeting.

(G) *Rejection of bids.* The County Board shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) *Bidders in default to County Board.* The County Board shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the county.

(I) *Award of contract.*

(1) *Authority in county.* The Board shall have the authority to award contracts within the purview of this section.

(2) *Lowest responsible bidder.* Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the county to accept. In awarding the contract, in addition to price, the Board shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(d) The quality of the performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and

(i) The number and scope of conditions attached to the bid.

(3) *Performance bonds.* The County Board shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the county.

(J) *Open market procedure.* All work and purchases of supplies, materials and services of less than the estimated value of \$20,000 may be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

(K) *Professional services exempt from bidding requirements.* All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the county without observing the bidding procedures prescribed by this section for the award of formal contracts.

(L) *Emergency purchases.* In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the County Board shall be empowered to secure by open

market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

(M) *Cooperative purchasing.* The county shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the county would be served thereby. (See 55 ILCS 5/5-1022.)

(Prior Code, § 1-9-1)

§ 34.003 SALARIES REGULATION.

(A) *Elected.* No salary or compensation of any elected county officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) *Appointed.* No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.

(Prior Code, § 1-9-2)

§ 34.004 CLAIMS.

(A) *Presentation.* All claims against the county for goods purchased, damaged or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance shall be presented on or before the second Monday of each month to the County Clerk. All such claims must be in writing and items shall be specified.

(B) *Exception.* This does not prohibit the County Board from passing on any claims not previously presented to the County Clerk if, in the opinion of the Board, justice to the claimant requires it.

(Prior Code, § 1-9-3)

§ 34.005 SPACE HEATERS AND THE LIKE PROHIBITED.

All space heaters and candles shall be removed from the county offices and shall be prohibited from being in the buildings. All extension cords used as a part of a permanent wiring arrangement shall be removed from service and all electrical appliances be plugged directly into a wall outlet or an approved surge protector.

(Prior Code, § 1-9-4) (Ord. 10-17-05, passed - -)

§ 34.006 ILLINOIS MUNICIPAL RETIREMENT FUND.

(A) The county does hereby elect to participate in the Illinois Municipal Retirement Fund.

(B) The county includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the county's cost of participating in the Retirement Fund and appropriate funds therefrom to pay the cost of participation.

(C) Elected officials may participate in the Illinois Municipal Retirement Fund if they are in positions normally requiring performance of duty for 600 hours or more per year.

(D) The County Board does hereby elect to allow service credit to members who served in the armed forces of the United States for up to two years of service, prior to their participation in the Illinois Municipal Retirement Fund.

(E) The County Board does hereby adopt the Illinois Municipal Retirement Fund alternative benefit program for county officers as provided in §§ 7-145.1 and 7-145.2 of the Illinois Pension Code, being 40 ILCS 5/7-145.1 and 7-145.2. This program shall take effect November 1, 1997; and the County Clerk is hereby authorized and directed to promptly file a certified copy of this section with the Board of Trustees of the Illinois Municipal Retirement Fund.

(Prior Code, § 1-9-5) (Ord. 97-57, passed - -; Ord. 97-46, passed 9-15-1999)

§ 34.007 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

(A) *ELIGIBLE EMPLOYEES* shall mean all employees of the county, eligible under the Federal Act.

(B) Withholdings from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations.

(Prior Code, § 1-9-6)

§ 34.008 COUNTY BOARD SALARIES.

The per diem for members of the County Board shall be set at \$70. The per diem for the Chairperson, and the Vice Chairperson, when acting in the capacity of Chairperson, shall be set at \$85. This per diem shall be effective December 1, 2008.

(Prior Code, § 1-9-7) (Ord. 4-17-06, passed - -)

§ 34.009 COUNTY OFFICIAL SALARIES.

(A) *County Clerk*. The salary shall be as set forth from time to time by the County Board.

(B) *County Treasurer*. The salary shall be as set forth from time to time by the County Board.

(C) *Supervisor of Assessments*. The salary shall be as set forth from time to time by the County Board.

(D) *Circuit Clerk*. The salary shall be as set forth from time to time by the County Board.

(E) *County Sheriff*. The salary shall be as set forth from time to time by the County Board.

(F) *County Coroner*. The salary shall be as set forth from time to time by the County Board. (Prior Code, § 1-9-8) (Ord. 04-17-06, passed - -; Ord. 04-49, passed 5-17-2004; Ord. 16-14, passed 3-21-2016)

§ 34.010 SMOKE-FREE BUILDINGS.

(A) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PLACES OF EMPLOYMENT. Any area under the control of a public or private employer that employees are required to enter, leave or pass through during the course of employment, including, but not limited to, entrances and exits to places of employment, including a minimum distance, as set forth in § 70 of the Smoke Free Illinois Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas.

PUBLIC PLACE. The portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by the county or any other public entity and regardless of whether a fee is charged for admission, included a minimum distance, as set forth in § 70 of the Smoke Free Illinois Act, being 410 ILCS 82/70, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.

SMOKING. The carrying, smoking, burning, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs or any other lighted smoking equipment.

(B) *Smoking prohibited.*

(1) It shall be unlawful to smoke in any county buildings or public places associated with the county.

(2) Smoking shall be prohibited within a minimum distance of 15 feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited under this law so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows or other means. (See Res. 10-15-90; 410 ILCS 82/1 et seq.) (Prior Code, § 1-9-9) Penalty, see § 10.99

§ 34.011 CONVENTION AND SEMINAR REIMBURSEMENT POLICY.

(A) Employees who have been approved to attend a seminar or training session by their department head are allowed to be reimbursed for the following expenses at the rates set if there is sufficient money in the department budget.

(B) The county will pay actual costs up to, but not exceeding, the following, upon submission and approval of an itemized voucher:

Meals	\$30 per day
Travel (by private auto - one payment per vehicle)	\$0.50 per mile
Travel (by public transportation)	Actual cost (not to exceed mileage rate)
Registration (1)	Actual (not to exceed \$125)
Rooms (2)	Single room rate
(1) If necessary books, publications or association dues are included in registration fees, such items must be detailed to apply for approval of a payment in excess of \$100.	
(2) If two authorized personnel stay in the same room, the county will pay the total room cost, (half for each individual)	

(C) Costs that are paid by another unit of government or another agency or firm will not be paid in duplicate by the county.

(D) Any conventions, seminars or training sessions outside the state must have advance County Board approval.
 (Prior Code, § 1-9-10) (Ord. 90-34, passed - -1990)

§ 34.012 FINANCIAL RESPONSIBILITY FOR HAZARDOUS MATERIALS SPILLS.

(A) Pursuant to § 22.2(f) of the Illinois Environmental Protection Act (“IEPA”), being 415 ILCS 5/22.2(f), it is in the best interest of the County of Effingham to deem any carrier responsible for hazardous material response services rendered and costs incurred due to a hazmat load that spills on all or part of a public way or property; and

(B) The county, or its agents, may direct the cleanup and containment at its discretion in the interest of public safety or reopening a public way for traffic as quickly as possible.
 (Ord. 17-33, passed 5-15-2017)

FRAUD/WHISTLEBLOWER POLICY**§ 34.025 PURPOSE OF POLICY.**

The purpose of this policy is to establish certain principles and expectations for the county in order to prevent fraud, to investigate fraud and to provide consequences for engaging in any manner of fraud and to heighten awareness of possible fraud. The county will not tolerate fraud or the concealment of fraud. This policy is intended to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

(Ord. 06-55, passed 8-21-2006)

§ 34.026 SCOPE OF POLICY.

This policy applies to any irregularity, suspected or observed, involving any employee of the county, vendors, contractors, volunteers, outside agencies doing business with the county and any other persons or parties in a position to commit fraud on the county. Any investigation required shall be conducted without regard to the suspected wrongdoer's length of service, position/title or relationship with the county.

(Ord. 06-55, passed 8-21-2006)

§ 34.027 POLICY.

The County Board is responsible for the detection and prevention of fraud, misappropriations and other irregularities. Fraud includes, but is not limited to, knowingly misrepresenting the truth or concealment of a material fact in order to benefit personally, or to create a benefit for a family member/friend, or to induce another to act to his or her detriment. Each department head will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any irregularity that is detected or suspected must be reported immediately to the County Board Chairperson, and the County Board Chairperson will coordinate all investigations with the State's Attorney and other affected areas, both internal and external.

(Ord. 06-55, passed 8-21-2006)

§ 34.028 ACTIONS CONSTITUTING FRAUD.

Actions constituting fraud include, but are not limited to, the following:

(A) Falsifying, or unauthorized altering of county documents, including, but not limited to:

(1) Claims for payments or reimbursements (including, but not limited to, submitting false claims for travel or overtime);

(2) Files (both physical and electronic forms), photographic or audio records, or accounts belonging to the county;

(3) Checks, bank drafts or any other financial documents;

(4) Maintenance records; or

(5) Fire, health and safety reports.

(B) Accepting or offering a bribe, gifts or other favors under circumstances that indicate that the gift or favor was intended to influence an employee's decision making;

(C) Disclosing to other persons the purchasing/bidding activities engaged in, or contemplated by the county in order to give any entity, person or business an unfair advantage in the bid process;

(D) Causing the county to pay excessive prices or fees where justification is not documented;

(E) Unauthorized destruction, theft, tampering or removal of records, furniture, fixtures or equipment;

(F) Using the county's equipment or work time for any outside private business activity;

(G) Any dishonest or fraudulent act; or

(H) Impropriety in the handling or reporting of money or financial transactions.
(Ord. 06-55, passed 8-21-2006)

§ 34.029 INVESTIGATION RESPONSIBILITIES.

(A) The County Board Chairperson, in consultation with the State's Attorney, has the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the County Board Chairperson will issue reports to appropriate designated personnel and, if appropriate, to the full County Board.

(B) Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with the State's Attorney and the County Board, as will final decisions on disposition of the case. When an investigation is conducted concerning complaints or charges against an employee, the employee shall be accorded ethical treatment, due process of law, and shall be offered fair and impartial consideration. All county employees shall cooperate fully with appropriate authorities who are conducting investigations into employee conduct.

(Ord. 06-55, passed 8-21-2006)

§ 34.030 CONFIDENTIALITY.

The County Board treats all information received confidentially. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know and as may be required by law. This is important in order to avoid damaging the reputations of persons suspected unfairly of such conduct and to protect the county from potential civil liability.

(Ord. 06-55, passed 8-21-2006)

§ 34.031 AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD.

The County Board Chairperson, in consultation with the State's Attorney, will have free and unrestricted access to all county records and premises, whether owned or rented; and/or the authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets and other storage facilities on the premises, in cases of suspected fraud or official misconduct.

(Ord. 06-55, passed 8-21-2006)

§ 34.032 REPORTING PROCEDURES.

(A) Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way until the appropriate time.

(B) An employee who discovers or suspects fraudulent activity will contact the County Board Chairperson immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the State's Attorney. No information concerning the status of an investigation will be given out. The proper response to any inquiries is "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation", "the crime", "the forgery", "the misappropriation" or any other specific reference.

(C) The reporting individual should be instructed not to contact the suspected individual in an effort to determine facts or demand restitution, or discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the State's Attorney or the County Board Chairperson.

(Ord. 06-55, passed 8-21-2006)

§ 34.033 TERMINATION.

If an investigation results in a recommendation to terminate an individual, the recommendation should be reviewed for approval by the Personnel Committee and the State's Attorney and, if necessary, by outside counsel, before any action is taken. The decision to terminate an employee is made by the elected or appointed official, in consultation with the County Board.

(Ord. 06-55, passed 8-21-2006)

§ 34.034 PROTECTION OF REPORTING PERSON.

No county employee shall be dismissed, disciplined or suffer an adverse personnel action for disclosing information pursuant to the provisions of this policy. Neither the county nor the elected or appointed official shall take any adverse action that affects the rights or interests of a person in retaliation for the person's disclosure of information under this policy. The provisions and protections of this policy

shall not be applicable when an employee discloses information which the employee either knows, or reasonably should know, is false information.

(Ord. 06-55, passed 8-21-2006)

§ 34.035 ADMINISTRATION.

The County Board Chairperson is responsible for the administration, revision, interpretation and application of this policy. The policy will be reviewed annually and revised as needed.

(Ord. 06-55, passed 8-21-2006)

INVESTMENT POLICY

§ 34.050 SCOPE OF POLICY.

This investment policy applies to the investment activities of all funds under the jurisdiction of the County Treasurer. This investment policy will also apply to any new funds or temporary funds placed under the jurisdiction of the County Treasurer. The state statutes will take precedence except where this policy is more restrictive wherein this policy will take precedence.

(Prior Code, § 1-8-1)

§ 34.051 OBJECTIVES.

(A) The purpose of this investment policy is to establish cash management and investment guidelines for the stewardship of public funds under the jurisdiction of the County Treasurer.

(B) The specific objectives of this policy will be as follows.

(1) *Safety.* The security of monies, whether on hand or invested, shall be the primary concern of the County Treasurer in selecting depositories or investments.

(2) *Return.* The Treasurer shall seek to attain a market average or better rate of return throughout budgetary and economic cycles, taking into account restrictions for return on investment.

(3) *Local considerations.* The County Treasurer shall give preference to depositories located within the county provided that the afore-described objectives are met, and such investments would be in compliance with all other conditions and limitations of this investment policy; however, the Treasurer may approve qualified depositories regardless of location.

(Prior Code, § 1-8-2)

§ 34.052 GUIDELINES.

To assist in attaining the stated objectives, the following guidelines shall be observed.

(A) Investments shall be undertaken in a manner that seeks to ensure preservation of capital in the overall portfolio. To avoid unreasonable risks diversification of investments is desirable.

(B) The portfolio should remain sufficiently liquid to meet operating requirements which may be reasonably anticipated.

(C) To maximize earnings, all funds shall be deposited/invested within two working days at prevailing rates or better.

(D) All investments except the Illinois Public Treasurer's Investment Pool shall be selected on the basis of competitive bids. Financial institutions located within the county will be given preference. Investment will remain with holding institution provided bid at maturity is equal to or higher than any other bids. Investment will be moved from holding institution if a higher rate of 15 basis points (0.15 or 1%) or more is received from another institution.

(Prior Code, § 1-8-3)

§ 34.053 RESPONSIBILITY.

All investment of funds under the control of the Treasurer is the direct responsibility of the County Treasurer. The Treasurer shall be responsible for all transactions and shall establish a system of control of the activities of all subordinates who are directly involved in the assistance of such investment activities.

(Prior Code, § 1-8-4)

§ 34.054 REPORTING.

All investment transactions shall be recorded by the Treasurer or the Treasurer's staff. A report will be generated, at least monthly, listing all active investments, location of investment, duration of investment, interest rate and other pertinent information deemed necessary. This report will be submitted monthly to the County Board.

(Prior Code, § 1-8-5)

§ 34.055 INVESTMENT VEHICLES.

The county shall limit its investments to those allowed by law as set out in 30 ILCS 235/2.

(Prior Code, § 1-8-6)

§ 34.056 FINANCIAL INSTITUTIONS.

(A) The Treasurer will have the sole responsibility to select which financial (banks and non-bank) institutions will be depositories for the county funds. Any financial institution, upon meeting the requirements of the state statutes and of this policy, may request to become a depository for county funds.

(B) The Treasurer will take into consideration security, size, location, financial condition, service, fees, competitiveness and the community relations involvement of the financial institution when choosing depositories.

(C) The following institutions are the official depositories for the county:

- (1) Beecher City First State Bank;
- (2) Centruel Bank;
- (3) Crossroads Bank;
- (4) Fifth Third Bank;
- (5) First Mid-Illinois Bank & Trust;
- (6) First National Bank of Dieterich;
- (7) Peoples National Bank;
- (8) Land of Lincoln;
- (9) Midland States Bank;
- (10) Peoples Bank & Trust;
- (11) Prairie National Bank;
- (12) Teutopolis State Bank;
- (13) U.S. Bank (IPTIP); and

(14) Washington Savings Bank.

(Prior Code, § 1-8-7)

§ 34.057 COLLATERALIZATION.

(A) At all times in order to meet the objective of safety of capital, the Treasurer will require deposits in excess of the federally insured amount to be collateralized to the extent of 110% and evidenced by an approved written agreement.

(B) Eligible collateral instruments and collateral ratios (market value divided by deposit) are as follows.

(1) Negotiable obligations of the United States government; 110%.

(2) Negotiable obligations of any agency or instrumentality of the United States government guaranteed by the full faith and credit of the United States government; 110%; provided, however, that the principal of any such negotiable obligation which is deposited pursuant to this policy shall not be amortized during the life of the security.

(3) Maturity of acceptable collateral shall not exceed 120 months.

(4) The ratio of fair market value of collateral to the amount of funds secured shall be reviewed monthly and additional collateral will be requested when the ratio declines below the level required.

(C) Third party safekeeping is required for all collateral. To accomplish this the securities will be held at a safekeeping depository as designated from time to time by the County Treasurer. Safekeeping will be documented by an approved written agreement. Substitution, exchange or release of securities held in safekeeping may be done upon two days prior written notice to the Treasurer.

(Prior Code, § 1-8-8)

§ 34.058 SAFEKEEPING OF SECURITIES.

Securities, unless held physically by the Treasurer, require third party safekeeping. The Treasurer will have the sole responsibility for selecting safekeeping agents. Safekeeping will be documented by an approved written agreement.

(Prior Code, § 1-8-9)

§ 34.059 INDEMNIFICATION.

(A) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs. No investments shall be made for speculation, but only made considering the probable safety of their capital as well as the possible income to be derived.

(B) In maintaining its investment portfolio, the Treasurer shall avoid any transaction that might impair public confidence in the County Treasurer's office.

(C) Investment officers and employees of the Treasurer, acting in accordance with this investment policy and procedures as have been or may be established, and exercising due diligence shall be relieved of personal liability for an individual security's credit risk or market changes.

(D) The above standards are established as standards for professional responsibility, and shall be applied in the context of managing the County Treasurer's portfolio.
(Prior Code, § 1-8-10)

§ 34.060 SECURITY CONTROLS.

(A) Only the Treasurer is authorized to establish financial accounts for the office of County Treasurer.

(B) At all times, either the Treasurer, or signatories as designated by the Treasurer should be authorized to sign on financial accounts of the office of the Treasurer.

(C) Authorized signatories are not permitted to reconcile bank accounts at any time.
(Prior Code, § 1-8-11)

§ 34.061 BONDING.

The County Treasurer, deputies and all employees shall be bonded for the benefit of the county for an amount determined to be reasonable. The surety shall be a corporate surety company.
(Prior Code, § 1-8-12)

§ 34.062 AMENDMENT.

This policy may be reviewed from time to time and revised upon approval of the County Board.
(Prior Code, § 1-8-13)

§ 34.063 CAPTIONS AND HEADINGS.

The captions and headings used herein are for convenience of reference only, and do not define or limit the contents. See 30 ILCS 235 et seq.
(Prior Code, § 1-8-14) (Ord. 00-04, passed 1-17-2000)

86Effingham County - Administration

EQUAL EMPLOYMENT POLICY

§ 34.075 ADOPTION OF CODES.

The county hereby declares to uphold, defend, enforce and advocate for all laws related to equal employment opportunity including, but not limited to, the following:

(A) Title VI of the Civil Rights Act of 1964, being 42 U.S.C. §§ 2000d-1 et seq., which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color or national origin;

(B) Title VII of the Civil Rights Act of 1964, being 42 U.S.C. §§ 2000c et seq., which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation and other terms, privileges and conditions of employment;

(C) Title IX of the Education Amendments of 1972, being 20 U.S.C. §§ 1681 - 1688, which prohibits discrimination in federally assisted education programs;

(D) The Equal Pay Act of 1963, being 29 U.S.C. §§ 201 et seq., which covers all employees who are covered by the Fair Labor Standards Act, being 29 U.S.C. §§ 201 et seq. The Act forbids pay differentials on the basis of sex;

(E) The Age Discrimination Act of 1967, being 29 U.S.C. §§ 621 et seq., which prohibits discrimination because of age against anyone between the ages of 40 and 65;

(F) Federal Executive Order 11246 which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex or national origin;

(G) Section 504 of the Rehabilitation Act of 1973, being 29 U.S.C. § 794, and POL Implementing Regulations at 29 C.F.R. pt. 32 which prohibits any discrimination based on disability;

(H) Section 167 of JTPA, being 29 U.S.C. §§ 1501 et seq., and the U.S. POL Regulations at 29 C.F.R. pts. 31 and 32 which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color or national origin, under any program or activity receiving federal financial assistance from the Department of Labor;

(I) Chapter 68, Article I, § 17-19 of the Illinois Constitution which prohibits discrimination based on race, color, creed, national ancestry, disability and sex in the hiring and promotion practices of any employer; and

(J) The Americans with Disabilities Act of 1990, being 42 U.S.C. §§ 12101 et seq., which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability. (Prior Code, § 12-1-1)

§ 34.076 NON-DISCRIMINATORY PRACTICES.

The county will assure non-discriminatory employment practices in recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities. (Prior Code, § 12-1-2)

§ 34.077 CONTRACTING WITH NON-COMPLIANTS.

(A) The county will not contract with other agencies, banks, businesses, vendors and the like, who practice or establish a pattern of discrimination based on sex, color, race, religion, age, national origin, political affiliation or belief.

(B) The county will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause".

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, color, religion, sex, national origin or disability. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisement for employees places by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or disability.

(3) In the event of the contractor's noncompliance with the equal opportunity clause or with any of the said rules, regulations, and orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally assisted construction contracts.

(4) The contractor will include the provisions of this equal opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.
(Prior Code, § 12-1-3)

§ 34.078 OUTREACH TO ALL.

The county assures that it will actively provide nondiscriminatory outreach, selection and service to all individuals.
(Prior Code, § 12-1-4)

§ 34.079 MINORITY HIRING.

Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the county as well as surrounding areas.
(Prior Code, § 12-1-5)

§ 34.080 ACCOMMODATIONS FOR DISABLED.

The county will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.
(Prior Code, § 12-1-6)

§ 34.081 COMPLIANCE BY EMPLOYEES.

All county employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out county program activities.
(Prior Code, § 12-1-7)

§ 34.082 DESIGNATED ENFORCERS.

The county designates the Chairperson and the County Board to carry out the EEO/AA plan.
(Prior Code, § 12-1-8)

Policies and Procedures⁸⁹

FREEDOM OF INFORMATION PROCEDURES

§ 34.095 DEFINITIONS.

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

COPYING. The reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

FREEDOM OF INFORMATION ACT. The Illinois Freedom of Information Act, 5 ILCS 140/1.1 et seq.

PERSON. Any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

PUBLIC RECORD. All records, reports, forms, writings, letters, memorandums, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials, regardless of physical form or characteristics, having been or being prepared, used, received, possessed or under control of the county.
(Prior Code, § 15-1-1)

§ 34.096 POLICY.

It is declared to be the public policy of the county that all persons are entitled to full and complete information regarding the affairs of the county. The official acts and policies of the public officials and public employees of the county shall be consistent with the terms of this subchapter.
(Prior Code, § 15-1-2)

§ 34.097 INDIVIDUAL PRIVACY PROTECTED.

This subchapter is not intended to be used to violate individual policy, nor for the purpose of furthering a commercial enterprise, or to disrupt the duly undertaken work of the county.
(Prior Code, § 15-1-3)

§ 34.098 PUBLIC RECORDS AVAILABLE.

The county shall make available to any person for inspection or copying all public records, as provided in the Freedom of Information Act, being 5 ILCS 140.
(Prior Code, § 15-1-4)

§ 34.099 REQUESTS TO BE IN WRITING.

(A) All requests for inspection or copying of public records shall be in writing and shall be addressed to the Clerk.

(B) The requestor shall include the following information in any request for public records:

(1) The requestor's full name, mailing address and telephone number at which the requestor can be reached during normal business hours;

(2) A description of the records sought, being as specific as possible; and

(3) A statement as to whether the request is for inspection, copying or both.

(C) The Clerk shall make available a form for use by requesters; however, no request shall be denied for failure to use the form.

(Prior Code, § 15-1-5)

§ 34.100 FEES.

(A) The county hereby establishes and shall charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the county to copy records. Such fees exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by state statute. The charge for copying (no charge for the first 50 pages) shall be \$0.25 per page for photocopies, \$0.25 per page for computer printouts, and \$5 per audio tape. In the event materials must be reproduced by copy services or by the County Engineer (e.g., large plan sheets), the requestor shall be responsible for the actual charges.

(B) Documents shall be furnished without charge or at a reduced charge where the County determines that waiver or reduction of the fee is in the public interest because furnishing information can be considered as primarily benefitting the general public. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. In setting the amount of the waiver or reduction, the county may take into consideration the amount of materials requested and the cost of copying them.

(Prior Code, § 15-1-6)

§ 34.101 TIME LIMIT FOR COMPLIANCE WITH REQUEST.

The county shall either comply with or deny a request for public records within seven working days after its receipt. Denials shall be in writing and in accordance with § 34.105.

(Prior Code, § 15-1-7)

§ 34.102 EXTENSION OF TIME LIMIT; NOTICE.

(A) The time limit prescribed in § 34.101 may be extended in each case for not more than seven additional working days for any of the following reasons:

(1) The requested records are stored in whole or in part at other locations other than the office having charge of the requested records;

(2) The request requires the collection of a substantial number of specified records;

(3) The request is couched in categorical terms and requires an extensive search for the records responsive to it;

(4) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the terms of the Illinois Freedom of Information Act or should be revealed only with appropriate deletions;

(5) The request for records cannot be complied with by the county within the time limits prescribed by division (A)(4) above without unduly burdening or interfering with the county;

(6) The requested records have not been located in the course of routine search and additional efforts are being made to locate them; or

(7) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

(B) When additional time is required for any of the above reasons, the Clerk shall notify the person making the request, by letter, within the time limits specified in this section, of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance may the delay in processing last longer than seven working days. A failure to render a decision within seven working days shall be considered a denial of the request.

(Prior Code, § 15-1-8)

§ 34.103 UNDULY BURDENSOME REQUEST.

(A) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the county, there is no method of narrowing the request, and the burden on the county strongly outweighs the public interest in the information. If the county responds to a categorical request by stating that compliance would unduly burden its operation, it shall do so in a writing signed by the Clerk specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operation of the county.

(B) After receipt of this response in writing, the person making the request shall have an

opportunity to reduce the request to manageable proportions. If the person making the request fails to reduce the request to manageable proportions, the response of the county shall be treated as a denial of the request information.

(Prior Code, § 15-1-9)

§ 34.104 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.

Information exempted by 5 ILCS 140/7 of the Freedom of Information Act shall be exempt from inspection and copying. If a record contains both exempt and nonexempt information, the exempt information shall be deleted and the remainder of the record made available for inspection and copying.

(Prior Code, § 15-1-10)

§ 34.105 NOTICE OF DENIAL OF REQUEST; APPEALS.

(A) The Clerk, when denying a request for public record, shall notify the requestor, by letter, of the decision to deny the information, and the reason for the denial. Each notice of denial by the Clerk shall inform the person of his or her right to appeal to the county in accordance with 5 ILCS 140/11 of the Freedom of Information Act. When a request is denied on the grounds that the records are exempt under the provisions of this subchapter, the notice of denial shall specify the exemption claimed to authorize the denial and briefly explain how the exemption applies to the specified records withheld.

(B) A requestor may appeal a denial of a request for public records to the county. All appeals shall be in writing, shall be addressed to the county in an envelope clearly marked "FOIA APPEAL", and shall include a copy of the original request, a copy of the denial or a statement that the county failed to respond within seven working days; and a written statement setting forth the reasons the requestor believes the appeal should be granted.

(C) The county shall respond in writing to an appeal within seven working days of receipt thereof. Failure to respond shall be considered a denial of the appeal. If the county denies an appeal in whole or in part, the requestor shall be informed of his or her rights to judicial review under 5 ILCS 140/11 of the Freedom of Information Act.

(Prior Code, § 15-1-11)

§ 34.106 GRANTING OF REQUEST; PROCEDURE FOR INSPECTION.

When a freedom of information request is granted, the documents will be made available for inspection at the county during regular business hours. Copies shall be made upon request as set forth in § 34.100.

(Prior Code, § 15-1-12)

§ 34.107 WRITTEN REQUEST NOT REQUIRED FOR CERTAIN DOCUMENTS.

(A) The following documents shall be made available for inspection and copying without a written request; however, the requestor shall contact the Clerk or Deputy Clerk in advance to set a mutually convenient time.

(B) These documents, if copied, shall be subject to the copying fee set forth in § 34.100:

(1) Ordinances and written resolutions;

(2) The journal of the County Board, not including executive session minutes; and

(3) Any personnel code, building code, other technical code or any other regulation of the county adopted by the county, whether by ordinance, resolution or otherwise.
(Prior Code, § 15-1-13)

§ 34.108 DISSEMINATION OF INFORMATION ABOUT PUBLIC BODIES.

The county shall prominently display at the county courthouse, make available for inspection and copying without charge, and shall send through the mail if requested, each of the following:

(A) A brief description of itself, which will include, but not be limited to a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the public body is required to report and be answerable for its operations; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating by titles and business addresses those employees to whom requests for public records should be directed, and any fees allowable under § 34.100.
(Prior Code, § 15-1-14)

§ 34.109 LIST OF CATEGORIES OF RECORDS.

As to public records prepared or received after the effective date of this subchapter, the County Clerk shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to this subchapter. The County Clerk shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

(Prior Code, § 15-1-15)

CHAPTER 35: COUNTY ORGANIZATIONS

Section

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9-1-1 BOARD

§ 35.001 BOARD DESIGNATION.

The Board hereby created shall be referred to as the "Effingham County 9-1-1 Emergency Telephone System Board" ("Board").
(Prior Code, § 4-1-1)

§ 35.002 CONTROLLING LEGISLATION.

The Board is created and controlled by the Effingham Telephone System Act, 50 ILCS 750/0.01 et seq.
(Prior Code, § 4-1-2)

§ 35.003 METHOD OF APPOINTMENT OF BOARD MEMBERS.

(A) The County Board shall appoint each and every member of the Board by majority vote. Said Board consists of nine members, the membership of which shall be controlled by § 15.4(a) of the Act, and this chapter.

(B) The makeup of said Board shall be:

(1) One duly elected member of the County Board: two-year term;

(2) The duly elected Sheriff of the county or a representative of the County Sheriff Department;

(3) Four residents of the county who shall be known as the “community at large” members to serve a term of two years;

(4) Three members of Public Safety Emergency Organizations of the county, i.e., Emergency Medical Service, Fire Protection, Law Enforcement and Emergency Services and Disaster Agency: three-year term; and

(5) The County Board may remove any member of the Board by two-thirds vote for any reason during the period of the member’s term.

(Prior Code, § 4-1-3) (Ord. 10-47, passed 6-21-2010)

§ 35.004 POWERS AND DUTIES.

The 9-1-1 Board shall have the power and duty to perform the following functions granted under 50 ILCS 750/15.4:

(A) Planning of a 9-1-1 system;

(B) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems;

(C) Receiving monies from the surcharge imposed on county residents, and from any other source, for deposit into the Emergency Telephone System Fund (hereinafter Fund);

(D) Authorizing all disbursements from said Fund;

(E) Hiring, on a temporary basis, any staff necessary for the implementation or upgrade of the system; and

(F) Empowered to incur indebtedness, and to pledge monies received or to be received from said surcharge to secure indebtedness incurred by the 9-1-1 Board.
(Prior Code, § 4-1-4)

§ 35.005 SURCHARGE AND OTHER FUNDS.

The 9-1-1 Board shall have the power and duty to perform the following functions granted under 50 ILCS 750/15.4:

(A) In accordance with the county resolution, and state statutes, the Treasurer of the county shall be the Custodian of the Fund and establish an Emergency Telephone System Fund (hereinafter Fund) in which all monies received by the surcharge imposed shall be deposited;

(B) All interest accruing on the Fund shall remain in the Fund;

(C) No expenditures may be paid from said Fund except by resolution passed or approved by a majority of members of the 9-1-1 Board;

(D) Expenditures from the amount of surcharges collected and the interest accrued thereon, in the Fund may be made only to pay for the costs associated with the following:

- (1) The design of the emergency telephone system (hereinafter “system”);
- (2) The coding of an initial Master Street Address Guide database, and update and maintenance thereof;
- (3) The repayment of any monies advanced for the implementation of the system;
- (4) The charges for automatic number identification and automatic location identification equipment, and maintenance, replacement and update thereof;
- (5) The non-recurring charges related to installation of the system and the ongoing network charges; and
- (6) Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of the system do not include the costs of public safety agency personnel who are or equipment that is dispatched in response to an emergency call.

(Prior Code, § 4-1-5)

§ 35.006 MEETINGS.

The 9-1-1 Board shall prescribe the time and place of the regularly scheduled Board meetings and the manner of which special Board meetings may be called. It shall sit with open doors and shall keep a journal of its own proceedings which shall be made available for public inspection.

(Prior Code, § 4-1-6)

§ 35.007 REMOVAL OF A MEMBER OF THE BOARD.

A member of the 9-1-1 Board may be removed by the County Board Chairperson, with the advice and consent of the County Board, for neglect of duty, for not attending a board meeting on at least two occasions in any one calendar year without an excused absence, for misconduct and misfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon.

(Prior Code, § 4-1-7)

§ 35.008 CONFIDENTIALITY.

Any information or data contained in documents furnished by telecommunication carriers to the 9-1-1 Board shall be held completely confidential by the member of the 9-1-1 Board, its agents or employees.

(Prior Code, § 4-1-8)

§ 35.009 ANNUAL BUDGET AND REPORT.

The 9-1-1 Board shall annually prepare and submit to the Chairperson of the County Board and the full County Board the following reports:

(A) An annual budget, as part of the County Board appropriation, showing the estimated receipts and intended disbursements for the fiscal year immediately following the date the budget is submitted, which date must be at least 30 days prior to the fiscal year;

(B) An annual report detailing the income received and disbursements made during the fiscal year just preceding the date the annual report is submitted, which date must be within 30 days of the close of the fiscal year;

(C) The annual report must be published within 30 days from the date of submission;

(D) Both the annual report and the annual budget shall be made available for public inspection; and

(E) All revenues and expenditures of the 9-1-1 Board shall be made a part of the county's financial system.

(Prior Code, § 4-1-9)

§ 35.010 VACANCY ON BOARD.

In the event that a 9-1-1 Board member ceases to be, for any reason, an County Board member, a member of a local emergency organization or a duly elected county official, said member's term of appointment to the 9-1-1 Board shall cease immediately, and the vacant seat shall be filled by appointment by the County Board.

(50 ILCS 750/15.3) (Prior Code, § 4-1-10)

MENTAL HEALTH BOARD**§ 35.025 ESTABLISHED.**

There is hereby established by the County Board, a Community Mental Health Funding Board in accordance with 405 ILCS 20 et seq. and shall be hereinafter referred to as the 708 Board.

(Prior Code, § 4-2-1)

§ 35.026 COMPOSITION.

(A) The membership of this Board shall consist of seven members appointed by the Chairperson of the County Board, subject to the approval of the County Board.

(B) Ordinarily, there shall be one Board member from each of the following groups: County Board of Commissioners, County Council for the Handicapped, Medical Society and the Public Health Department. When appointments to the Board are made, every effort should be made to make the Board representative of the county looking to all criteria such as geography and occupation.

(405 ILCS 20/3a) (Prior Code, § 4-2-2)

§ 35.027 TERM OF OFFICE.

The members shall serve for a period of four years. Appointments shall be effective June 1 of each year.

(405 ILCS 20/3b) (Prior Code, § 4-2-3)

§ 35.028 ABSENTEEISM.

Any member of the 708 Board deemed guilty of absenteeism, neglect of duty, misconduct or malfeasance in office, by a vote of the majority of the 708 Board and after being given a written statement of charges and an opportunity to be heard thereon within 30 days of notification, may be removed by the appointing officer. The Chairperson of the 708 Board, upon the recommendation of the

Board, may then recommend that the Chairperson of the County Board appoint a new member to serve the unexpired term of the recalled member. Absenteeism in this instance shall consist of non-attendance at three consecutive Board meetings without legitimate excuse (illness, vacation, out of community). (405 ILCS 20/3c) (Prior Code, § 4-2-4)

§ 35.029 EXPENSES.

The expenses incurred by the 708 Board in the performance of duties imposed upon it or its members may be a charge on the governmental unit and shall be paid out of the “708 Community Mental Health Fund”. No member shall receive payment, except expenses for service on the Board. (405 ILCS 20/3d) (Prior Code, § 4-2-5)

§ 35.030 OFFICERS ELECTED.

(A) The officers of the 708 Board shall be a Chairperson, Vice Chairperson, Secretary and Treasurer elected by the membership of the Board.

(B) Officers shall be elected for a full term of one year, and shall be elected at the June meeting. (Prior Code, § 4-2-6)

§ 35.031 DUTIES OF OFFICERS.

(A) *Chairperson.* The Chairperson shall preside at all meetings of the Board. The Chairperson shall be an ex officio member of all committees and cosigns checks with Treasurer.

(B) *Vice Chairperson.* The Vice-Chairperson shall in the absence or incapacity of the Chairperson exercise the powers and perform the duties of the Chairperson.

(C) *Secretary.* The Secretary or a designated representative shall record the minutes of all meetings of the 708 Board and shall forward to each member of the Board a copy of the minutes of the meeting, together with a notification of the next meeting. The Secretary shall put a notice on the bulletin board in the courthouse to notify the public of Board meetings. No release shall be given in the name of the Board to news media without prior approval of the Chairperson. The Secretary will keep a compilation of all official minutes of the Board and Board committees which will be considered a public record.

(D) *Treasurer.* The Treasurer shall oversee the finances of the 708 Board. The Treasurer will be an ex officio member of all financial committees. The Treasurer will keep books, make financial reports at Board meetings, draw up the Board proposed “Statement of Community Mental Health Fund Tax Levy” and “Appropriation Resolution”, and cosign checks with the Chairperson. The Treasurer will see to it that there is an annual budget submitted at least 30 days prior to the start of the fiscal year and see

to it that the annual budget is published in the county by newspaper prior to the annual meeting. The Treasurer will make available within 60 days after the end of the fiscal year for free distribution an annual report showing the condition of the trust, such as income and expense reports. The Treasurer will develop a plan of investment of unexpended funds so that there will be maximum accrual of interest and so that all banks and financial institutions in the county will have equal access to having these funds invested in their institution. The Treasurer will see to it that the County Treasurer makes available to the 708 Board any and all funds collected by the Assessor as soon as they are collected.

(Prior Code, § 4-2-7)

§ 35.032 MEETINGS.

(A) *Regular meetings.* The 708 Board shall hold regular meetings at a time and place to be determined by the Chairperson of the Board. Meetings must be held at least quarterly. The annual meeting of the Board shall be held in July of each year. All official meetings of the Board shall be open to the public. Members shall not act in the name of the Board without the approval of the Board through the Chairperson.

(B) *Special meetings.* Special meetings may be called upon written request signed by two members and filed with the Secretary.

(C) *Quorum.* A quorum shall consist of four voting members. The Chairperson shall be a voting member.

(D) *Passage or approval.* Any proposition, in order to be approved, must receive a majority vote of those present.

(E) *Robert's Rules of Order.* The meetings of the Board shall be conducted according to Robert's Rules of Order.

(Prior Code, § 4-2-8)

§ 35.033 FISCAL YEAR.

The fiscal year shall be considered to be from July 1 to June 30 of the following year.

(Prior Code, § 4-2-9)

§ 35.034 POWERS AND DUTIES.

(A) The Board in consultation with and being advised by the Department of Mental Health, shall have the power to construct, repair, operate, maintain and regulate community mental health facilities to provide mental health services, including services for the mentally retarded, for residents of the county and/or to contract therefor with any private or public entity which provided such facilities and services.

(B) The Board shall have the power to:

- (1) Review and evaluate community mental health services and facilities;
- (2) Provide Comprehensive Mental Health planning which would ordinarily develop 12 month or five-year plans;
- (3) Review and make recommendations on all grant applications to State Department of Mental Health and Developmental Disabilities;
- (4) Enter into contracts for rendition or operation of services and facilities;
- (5) Make rules and regulations concerning the rendition and/or operations of services and facilities funded by the 708 Board;
- (6) Employ such personnel as may be necessary to carry out the purposes and to prescribe the duties of such personnel;
- (7) To educate the public on mental health;
- (8) To perform such other acts as may be necessary or proper to carry out the purposes of the Board consistent with the regulations of the Community Health Center Expansion Act, being 410 ILCS 66; and
- (9) Own, sell, rent, lease or purchase real property for purposes consistent with this Act.
(Prior Code, § 4-2-10)

§ 35.035 COMMITTEES.

The Chairperson of the 708 Board may create and dissolve committees as required and prescribe their powers and responsibilities. The Chairperson shall appoint committee members provided, however, that no appointment goes into effect if the 708 Board by majority vote opposes the appointment. Non-Board members may serve on any and all Board committees. Ordinarily Board committees will be appointed to time-limited tasks and will disband when the task is complete.
(Prior Code, § 4-2-11)

§ 35.036 AMENDMENTS.

These by-laws may be amended at any regular meeting by a two-thirds vote, provided at least four members of the Board approve the recommended changes, proposed changes shall have been read at least at one prior meeting.
(Prior Code, § 4-2-12)

§ 35.037 ANNUAL BUDGET AND REPORT.

The Board shall annually prepare and submit to the appointing officer and governing board:

(A) An annual budget showing the estimated receipts and intended disbursements pursuant to this subchapter, for the fiscal year immediately following the date the budget is submitted, which date must be at least 30 days prior to the fiscal year; and

(B) An annual report detailing the income received and disbursements made pursuant to this subchapter during the fiscal year, just preceding the date the annual report is submitted, which date must be within 60 days of the close of the fiscal year.

(405 ILCS 20/3f) (Prior Code, § 4-2-13)

§ 35.038 TAX LEVY; COMMUNITY MENTAL HEALTH FUND.

In order to supply the necessary funds or to supplement existing funds for such community mental health facilities and services, including facilities and services for the mentally retarded, the County Board may levy an annual tax of not to exceed 15% upon all taxable property in the county. Such tax, when collected, shall be paid into a special fund to be designated as the "Community Mental Health Fund". The funds shall be used only for purposes specified in this Article and pursuant to the provisions of the Community Mental Health Act.

(405 ILCS 20) (Prior Code, § 4-2-14)

PUBLIC HEALTH BOARD**§ 35.050 BOARD ESTABLISHED.**

There is hereby established a Public Health Board for the county in accordance with state statute and shall be known as the County Public Health Board, hereinafter referred to as the Board.

(Prior Code, § 4-3-1)

§ 35.051 SERVICE AREA.

Public health services shall be provided for all areas in the county.

(Prior Code, § 4-3-2)

§ 35.052 BOARD MEMBERSHIP; TERM.

The Chairperson of the County Board shall, with the advice and consent of the County Board, appoint a Board of Health consisting of nine members as follows: two physicians, one dentist, one nurse, three at large and one County Board member. The term of office of each member of the Board shall be for six years. The term of office of original appointees shall begin on July 1 following their appointment, and the term of all members shall continue until their successors are appointed. Vacancies shall be filled for the unexpired time in a similar manner as original appointments.

(55 ILCS 5/5-25012) (Prior Code, § 4-3-3)

§ 35.053 POWERS AND DUTIES.

(A) The Board in consultation with and being advised by the Department of Public Health, shall have the power to construct, repair, operate, maintain and regulate health facilities to provide health services for residents of the county and/or to contract therefore with any private or public entity which provided such facilities and services.

(B) The Board shall have the power to:

- (1) Review and evaluate health services and facilities;
- (2) Submit to the appointing officer and governing body a program of health services and facilities;
- (3) Within amounts appropriated therefor, execute such program and maintain such services and facilities as may be authorized under such appropriations, including amounts appropriated under bond issues, if any;
- (4) Enter into contracts for rendition or operation of services and facilities on a per-capita basis or otherwise;
- (5) Arrange for the rendition of services and operation of facilities by other agencies of the governmental unit or county in which the governmental unit is located with the approval of the governing body;
- (6) Make rules and regulations concerning the rendition or operation of services and facilities under its direction and supervision;
- (7) Employ such personnel as may be necessary to carry out the purposes of an act relating to health facilities and services and prescribe the duties of such personnel; and
- (8) To perform such other acts as may be necessary or proper to carry out the purposes of the acts consistent with the regulations of the Director of the Department of Public Health.

(55 ILCS 5/5-25013) (Prior Code, § 4-3-4)

§ 35.054 ANNUAL BUDGET AND REPORT.

The Board shall annually prepare and submit to the appointing officer and governing board:

(A) An annual budget showing the estimated receipts and intended disbursements pursuant to this subchapter, for the fiscal year immediately following the date the budget is submitted, which date must be at least 30 days prior to the fiscal year;

(B) An annual report detailing the income received and disbursements made pursuant to this subchapter during the fiscal year, just preceding the date the annual report is submitted, which date must be within 30 days of the close of the fiscal year; and

(C) The annual report must be published within 30 days from the date it is submitted and approved and the budget and report shall be made available for public inspection.

(Prior Code, § 4-3-5)

§ 35.055 TAX LEVY; COUNTY HEALTH FUND; USE OF FUNDS.

(A) In order to supply the necessary funds or to supplement existing funds for such health facilities and services, the Board may request to levy an annual tax of not to exceed .075% upon all taxable property in the county with the consent and approval of the County Board. Such tax, when collected, shall be paid into a special fund in the County Treasury to be designated as the "Health Fund".

(B) Said funds shall be used only for the purposes specified in this subchapter and pursuant to the Public Health Act.

(55 ILCS 5/5-25010) (Prior Code, § 4-3-6)

§ 35.056 MEETINGS.

(A) The Board shall prescribe the time and places of the regular scheduled Board meetings and the manner in which special Board meetings may be called.

(B) It shall sit upon open doors and shall keep a journal of its own proceedings which shall be made available for public inspection.

(Prior Code, § 4-3-7)

§ 35.057 EXPENSES OF BOARD MEMBERS; PAYMENT.

The expenses incurred by the Board in the performance of duties imposed upon it or its members shall be paid out of the Health Fund.

(Prior Code, § 4-3-8)

§ 35.058 REMOVAL.

Any member of the Board may be removed by the appointing officer for neglect of duty, misconduct or malfeasance in officer after being given a written statement of the charges and an opportunity to be heard thereon.

(55 ILCS 5/5-25012) (Prior Code, § 4-3-9)

§ 35.059 COORDINATION.

In order to provide the broadest possible health program within the county, the Board shall work with all outside groups providing such services to help coordinate all programs and increase the services available to county residents and prevent duplication of programs, except where necessary.

(55 ILCS 5/5-25001) (Prior Code, § 4-3-10)

MENTAL DEFICIENT BOARD

§ 35.070 BOARD ESTABLISHED.

There is hereby created a 377 Mental Deficient Board which shall hereafter be referred to as the “Board”.

(50 ILCS 835/0.01) (Prior Code, § 4-4-1)

§ 35.071 MEMBERSHIP; TERM.

The County Board Chairperson shall appoint a board of five directors. Each director shall serve a three year term expiring on June 30 of each year. The terms shall be staggered with no more than two director’s terms expiring in any one year. Vacancies shall be filled in like manner for the balance of the unexpired term. Each director shall serve until his or her successor is appointed. Directors shall serve without compensation but shall be reimbursed for expenses reasonably incurred in the performance of their duties.

(50 ILCS 835/3) (Prior Code, § 4-4-2)

§ 35.072 MEETINGS AND RESPONSIBILITIES.

(A) The directors shall meet in July, annually, and elect one of their number as president and one as secretary, and shall elect such other officers as they deem necessary. They shall adopt such rules for

the administration of this Act as may be proper and expedient. They shall report to the court, from time to time, a detailed statement of their administration.

(B) The Board shall have exclusive control of all money paid into the Fund for persons with a developmental disability and shall draw upon the County Treasurer for all or any part of that fund required by the Board in the performance of its duties and exercise of its powers under this Act.

(C) The Board may establish, maintain and equip facilities within the county, for the care and treatment of persons with a developmental disability together with such auxiliary facilities connected therewith as the Board finds necessary. For those purposes, the Board may acquire, to be held in its name, real and personal property within the county by gift, grant, legacy, purchase or lease and may occupy, purchase, lease or erect an appropriate building or buildings for the use of such facilities and all related facilities and activities.

(D) The Board may provide for the care and treatment of persons with a developmental disability who are not residents of the county and may establish and collect reasonable charges for such services. (50 ILCS 835/4) (Prior Code, § 4-4-3)

§ 35.073 PURCHASES.

Purchases made pursuant to this Act shall be made in compliance with the Local Government Prompt Payment Act.

(50 ILCS 835/4.1) (Prior Code, § 4-4-4)

§ 35.074 DONATIONS ACCEPTED.

The board of directors may accept any donation of property for the purpose specified and shall pay over to the County Treasurer any money so received, within 30 days of the receipt thereof.

(50 ILCS 835/5) (Prior Code, § 4-4-5)

§ 35.075 MAINTENANCE CHARGE IMPOSED.

The board of directors may impose a maintenance charge upon the estate of any person with a developmental disability receiving the benefits of the facilities or services prescribed in 50 ILCS 835/1 of the statutes. If the estate of such person is insufficient, the parent or parents of such person are liable for the payment of the amount due.

(50 ILCS 835/6) (Prior Code, § 4-4-6)

§ 35.076 CALCULATION OF RATE.

The rate at which the sums to be so charged as provided in § 35.075 shall be calculated by the board of directors is the average per capita operating cost for all persons receiving the benefit of such facilities or services computed for each fiscal year; provided, that the Board may, in its discretion, set the rate at a lesser amount than such average per capita cost. Less amounts may be accepted by the Board when conditions warrant such action or when money is offered by persons not liable under § 35.075. Any money received pursuant to this section shall be paid into the County Fund for Persons with a Developmental Disability.

(50 ILCS 835/7) (Prior Code, § 4-4-7)

§ 35.077 FINANCIAL INQUIRIES OF CLIENT.

The board of directors is authorized to investigate the financial condition of each person liable under § 35.075, and is further authorized to make determinations of the ability of each such person to pay the sums representing maintenance charges, and for such purposes to set a standard as a basis of judgment of ability to pay, which standard shall be recomputed periodically to reflect changes in the cost of living and other pertinent factors, and to make provisions for unusual and exceptional circumstances in the application of such standard. The Board may issue to any person liable therefor statements of amounts due as maintenance charges, requiring payment in such manner as may be arranged, in an amount not exceeding the average per capita operating cost as determined under § 35.076.

(50 ILCS 835/8) (Prior Code, § 4-4-8)

§ 35.078 USE OF FACILITIES.

The use of the facilities or services specified in 50 ILCS 835/1 of the statutes shall not be limited or conditioned in any manner by the financial status or ability to pay of any recipient or person responsible. Records pertaining to the payment of maintenance charges shall not be made available for inspection, but all such records shall be deemed confidential and used only when required for the purpose of § 35.077.

(50 ILCS 835/9) (Prior Code, § 4-4-9)

§ 35.079 APPEAL OF CHARGES.

Any person who has been issued a statement of any sum due for maintenance charges for a person with a developmental disability may petition the board of directors for a modification thereof, and the Board shall provide for a hearing thereon. The Board may, after such hearing, grant such relief as seems proper.

(50 ILCS 835/10) (Prior Code, § 4-4-10)

§ 35.080 SUIT BY STATE'S ATTORNEY.

(A) Upon request of the board of directors, the State's Attorney of the county in which a person who is liable for payment of maintenance charges resides shall file suit in the Circuit Court to collect the amount due. The court may order the payment of sums due for maintenance for such period or periods as the circumstances require. Such order may be entered against any or all such defendants and may be based upon the proportionate ability of each defendant to contribute to the payment of sums due. Orders for the payment of money may be enforced by attachment as for contempt against the persons of the defendants, and in addition as other judgments at law, and costs may be adjudged against the defendants and apportioned among them, but if the complaint is dismissed the costs shall be borne by the county.

(B) The provisions of the Civil Practice Law, and all amendments thereto, shall apply to and govern all actions instituted under the provisions of this Act.

(50 ILCS 835/11) (Prior Code, § 4-4-11)

§ 35.081 ESTATE CLAIMS.

Upon the death of a person who is liable for maintenance charges imposed by § 35.075 and who is possessed of property, the executor or administrator of his or her estate shall ascertain from the board of directors the extent of such charges. Such claim shall be allowed and paid as other lawful claims against the estate.

(50 ILCS 835/12) (Prior Code, § 4-4-12)

CHAPTER 36: TAX AND FINANCE

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CIVIL FEES

§ 36.001 COMPLIANCE WITH STATE LAW.

Fees in civil matters shall meet the requirements of, and shall be assessed and distributed as set forth herein in compliance with, Section 27.1b of the Clerks of Courts Act, 705 ILCS 105/27.1b. (Ord. 19-52, passed 5-20-2019)

§ 36.002 FILING A COMPLAINT, PETITION OR OTHER PLEADING INITIATING A CIVIL ACTION.

The fees for filing a complaint, petition or other pleading initiating a civil action shall be as set forth in the following schedules in accordance with case categories established by the Illinois Supreme Court.

(A) Schedule 1: \$306 to be divided as follows:

(1) \$45 to be retained by the Clerk of the Circuit Court and deposited as follows:

- (a) Court Automation Fund: \$20;
- (b) Court Document Storage Fund: \$20;
- (c) Circuit Court Clerk Operation and Administrative Fund: \$5;

(2) \$11 to be remitted to the State Treasurer and deposited as follows:

- (a) Access to Justice Fund: \$2;
- (b) Supreme Court Special Purposes Fund: \$9;

(3) \$250 to be remitted to the County Treasurer and deposited as follows:

- (a) Circuit Clerk Fund: \$145;

- (b) Court system: \$40;
- (c) Court security: \$50;
- (d) C.A.S.A.: \$15.

(B) Schedule 2: \$256 to be divided as follows:

- (1) \$45 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (a) Court Automation Fund: \$20;
 - (b) Court Document Storage Fund: \$20;
 - (c) Circuit Court Clerk Operation and Administrative Fund: \$5;
- (2) \$11 to be remitted to the State Treasurer and distributed as follows:
 - (a) Access to Justice Fund: \$2;
 - (b) Supreme Court Special Purposes Fund: \$9;
- (3) \$200 to be remitted to the County Treasurer and distributed as follows:
 - (a) Circuit Clerk Fund: \$125;
 - (b) Court system: \$30;
 - (c) Court security: \$30;
 - (d) C.A.S.A.: \$15.

(C) Schedule 3: \$89 to be divided as follows:

- (1) \$22 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (a) Court Automation Fund: \$10;
 - (b) Court Document Storage Fund: \$10;
 - (c) Circuit Court Clerk Operation and Administrative Fund: \$2;
- (2) \$11 to be remitted to the State Treasurer and distributed as follows:

(a) Access to Justice Fund: \$2;

(b) Supreme Court Special Purposes Fund: \$9;

(3) \$56 to be remitted to the County Treasurer and distributed as follows:

(a) Circuit Clerk Fund: \$30;

(b) Court system: \$6;

(c) Court security: \$20.

(D) Schedule 4: \$0.

(Ord. 19-52, passed 5-20-2019)

§ 36.003 FILING AN APPEARANCE IN A CIVIL ACTION.

The fees for filing an appearance in a civil action shall be as set forth in the following schedules in accordance with case categories established by the Illinois Supreme Court.

(A) Schedule 1: \$181 to be divided as follows:

(1) \$45 to be retained by the Clerk of the Circuit Court and distributed as follows:

(a) Court Automation Fund: \$20;

(b) Court Document Storage Fund: \$20;

(c) Circuit Court Clerk Operation and Administrative Fund: \$5;

(2) \$11 to be remitted to the State Treasurer and distributed as follows:

(a) Access to Justice Fund: \$2;

(b) Supreme Court Special Purposes Fund: \$9;

(3) \$125 to be remitted to the County Treasurer and distributed as follows:

(a) Circuit Clerk Fund: \$60;

(b) Court system: \$30;

(c) Court security: \$35.

(B) Schedule 2: \$109 to be divided as follows:

(1) \$10 to be retained by the Clerk of the Circuit Court and distributed as follows:

(a) Court Automation Fund: \$5;

(b) Court Document Storage Fund: \$5;

(c) Circuit Court Clerk Operation and Administrative Fund: \$0;

(2) \$9 to be remitted to the State Treasurer and distributed to the Supreme Court Special Purposes Fund;

(3) \$90 to be remitted to the County Treasurer and distributed as follows:

(a) Circuit Clerk Fund: \$45;

(b) Court system: \$25;

(c) Court security: \$20.

(Ord. 19-52, passed 5-20-2019)

§ 36.004 MISCELLANEOUS FEES.

Except as otherwise specifically provided, the following miscellaneous fees are to be deposited in the County General Fund to be used for purposes related to the operation of the court system in the county.

(A) Alias summons or citation: \$3.

(B) Jury services: \$200.

(C) Change of venue: \$25.

(D) Petition to vacate or modify.

(1) If filed within 30 days: \$40.

(2) If filed after 30 days: \$60.

(3) Notice sent to Secretary of State: \$40.

(E) Appeals preparation.

- (1) If record is 100 pages or less: \$50.
- (2) If record is between 100 and 200 pages: \$100.
- (3) If record is 200 pages or more: additional fee of \$0.25 per page.

(F) Garnishment, wage deduction, and citation proceedings.

- (1) Amount in controversy \$1,000 or less: \$15.
- (2) Amount in controversy greater than \$1,000 and not more than \$5,000: \$30.
- (3) Amount in controversy greater than \$5,000: \$50.

(G) Collections.

- (1) All collections (except state and county and maintenance and child support cases): 2.5% of the amount collected and turned over.
- (2) In child support and maintenance cases: \$36 annually to be deposited in the Child Support Maintenance Fund.
- (3) Certifications to Secretary of State pursuant to § 7-703 of the Family Financial Responsibility Law, 625 ILCS 5/7-703: \$5.
- (4) In proceedings to foreclose a delinquent real estate tax lien, the State's Attorney shall receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings.

(H) Mailing: \$5 plus the cost of postage.

(I) For each certified copy of a judgment, following the first copy: \$6.

(J) Certification, authentication and reproduction.

- (1) Each certification or authentication for taking acknowledgment of a deed or other instalment in writing with the seal of office: \$6.
- (2) Copy fees for any document contained in the Clerk's files:
 - (a) \$1 for the first page;

(b) \$0.50 per page for the next 19 pages;

(c) \$0.25 per page for all additional pages.

(K) For each record search: \$5 for each year/name searched.

(L) For each page of hard copy print output, when case records are maintained on an automated medium: \$5.

(M) Performing a marriage in court: \$10.

(N) For filing each deed of voluntary assignment:

(1) For recording a deed of voluntary assignment: \$20;

(2) \$0.50 for each 100 words.

(O) Expungement petition: \$60 and an additional fee of \$4 for each certified copy of an order to expunge arrest records.

(P) Probate filing.

(1) For each account (other than one final account) filed in the estate of a decedent or ward: \$10.

(2) Filing a claim.

(a) Amount claimed greater than \$150 and not more than \$500: \$10.

(b) Amount claimed greater than \$500 and not more than \$10,000: \$20.

(c) Amount claimed greater than \$10,000: \$30.

(3) For filing a claim, petition or supplemental proceeding: \$60.

(4) For a jury demand: \$135.

(5) For each certified copy of letters of office: \$2 per page.

(6) For each exemplification: \$2 plus the fee for certification.

(Q) For correction of the case number, case title or attorney computer identification number, if required by rule of court, on any document filed in the Clerk's Office: \$20.
(Ord. 19-52, passed 5-20-2019)

§ 36.005 UNPAID FEES.

(A) Unless a court-ordered payment schedule is implemented or the fee requirements of this subchapter are waived by court order, the Clerk is authorized to add to any unpaid fees and costs a delinquency amount equal to 15% of the unpaid fees that remain unpaid after 90 days.

(B) Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Clerk Operations and Administration Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid fees and costs.

(Ord. 19-52, passed 5-20-2019)

CRIMINAL ASSESSMENTS**§ 36.015 COMPLIANCE WITH STATE LAW.**

Criminal assessments shall meet the requirements of the Criminal and Traffic Assessment Act, 705 ILCS 135. Assessments shall be imposed in criminal, traffic, conservation and non-traffic matters in accordance with the schedules set forth in 705 ILCS 135/15 et seq., and shall be distributed as set forth herein.

(Ord. 19-52, passed 5-20-2019)

§ 36.016 SCHEDULE 1: GENERAL FELONY OFFENSES.

The Clerk shall collect \$549 and remit as follows:

(A) \$354 to the County Treasurer who shall deposit the money as follows:

- (1) \$20 to the Court Automation Fund;
- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
- (4) \$255 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$80;
 - (b) Court system: \$60;

- (c) Court security: \$35;
- (d) State's Attorney Fund: \$45;
- (e) Youth Diversion Fund: \$5;
- (f) Drug Court Fund: \$5;
- (g) C.A.S.A.: \$10;
- (h) Clerk Operations Fund: \$15;

- (5) \$10 to the Child Advocacy Center Fund;
- (6) \$2 to the State's Attorney Records Automation Fund;
- (7) \$2 to the Public Defender Records Automation Fund;
- (8) \$20 to the County Jail Medical Costs Fund;
- (9) \$20 to the Probation and Court Services Fund;

(B) \$195 to the State Treasurer.
(Ord. 19-52, passed 5-20-2019)

§ 36.017 SCHEDULE 2: FELONY DUI OFFENSES.

The Clerk shall collect \$1,709 and remit as follows:

(A) \$399 to the County Treasurer who shall deposit the money as follows:

- (1) \$20 to the Court Automation Fund;
- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
- (4) \$300 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$80;
 - (b) Court system: \$60;

- (c) Court security: \$35;
- (d) State's Attorney: \$45;
- (e) Youth diversion: \$15;
- (f) Drug Court Fund: \$15;
- (g) C.A.S.A.: \$20;
- (h) Clerk Operations Fund: \$30;

- (5) \$10 to the Child Advocacy Center Fund;
- (6) \$2 to the State's Attorney Records Automation Fund;
- (7) \$2 to the Public Defender Records Automation Fund;
- (8) \$20 to the County Jail Medical Costs Fund;
- (9) \$20 to the Probation and Court Services Fund;

(B) \$1,110 to the State Treasurer;

(C) \$200 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.018 SCHEDULE 3: FELONY DRUG OFFENSES.

The Clerk shall collect \$2,215 and remit as follows:

- (A) \$354 to the County Treasurer who shall deposit the money as follows:
 - (1) \$20 to the Court Automation Fund;
 - (2) \$20 to the Court Document Storage Fund;
 - (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
 - (4) \$255 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk: \$80;

- (b) Court system: \$60;
- (c) Court security: \$35;
- (d) State’s Attorney: \$45;
- (e) Youth diversion: \$5;
- (f) Drug court: \$5;
- (g) C.A.S.A.: \$10;
- (h) Clerk operations: \$15;

- (5) \$10 to the Child Advocacy Center Fund;
- (6) \$2 to the State’s Attorney Records Automation Fund;
- (7) \$2 to the Public Defender Records Automation Fund;
- (8) \$20 to the County Jail Medical Costs Fund;
- (9) \$20 to the Probation and Court Services Fund;

(B) \$1,861 to the State Treasurer.
(Ord. 19-52, passed 5-20-2019)

§ 36.019 SCHEDULE 4: FELONY SEX OFFENSES.

The Clerk shall collect \$1,314 and remit as follows:

- (A) \$354 to the County Treasurer who shall deposit the money as follows:
 - (1) \$20 to the Court Automation Fund;
 - (2) \$20 to the Court Document Storage Fund;
 - (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
 - (4) \$255 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$80;

- (b) State's Attorney: \$60;
- (c) Court security: \$35;
- (d) Court system: \$45;
- (e) Youth Diversion Fund: \$5;
- (f) Drug court: \$5;
- (g) C.A.S.A.: \$10;
- (h) Clerk operations: \$15;

- (5) \$10 to the Child Advocacy Center Fund;
- (6) \$2 to the State's Attorney Records Automation Fund;
- (7) \$2 to the Public Defender Records Automation Fund;
- (8) \$20 to the County Jail Medical Costs Fund;
- (9) \$20 to the Probation and Court Services Fund;

(B) \$960 to the State Treasurer.
(Ord. 19-52, passed 5-20-2019)

§ 36.020 SCHEDULE 5: GENERIC MISDEMEANOR OFFENSES.

The Clerk shall collect \$439 and remit as follows:

- (A) \$282 to the County Treasurer who shall deposit the money as follows:
 - (1) \$20 to the Court Automation Fund;
 - (2) \$20 to the Court Document Storage Fund;
 - (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
 - (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
 - (5) \$185 to the County General Fund to be distributed as follows:

- (a) Circuit Clerk Fund: \$50;
- (b) Court system: \$30;
- (c) Court security: \$30;
- (d) State's Attorney: \$30;
- (e) Youth Diversion Fund: \$5;
- (f) Drug Court Fund: \$5;
- (g) C.A.S.A.: \$20;
- (h) Clerk Operations Fund: \$15;

- (6) \$10 to the Child Advocacy Center Fund;
- (7) \$2 to the State's Attorney Records Automation Fund;
- (8) \$2 to the Public Defender Records Automation Fund;
- (9) \$10 to the County Jail Medical Costs Fund;
- (10) \$20 to the Probation and Court Services Fund;

(B) \$155 to the State Treasurer;

(C) \$2 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.021 SCHEDULE 6: MISDEMEANOR DUI OFFENSES.

The Clerk shall collect \$1,381 and remit as follows:

(A) \$322 to the County Treasurer who shall deposit the money as follows:

- (1) \$20 to the Court Automation Fund;
- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;

- (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
- (5) \$225 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$50;
 - (b) Court system: \$30;
 - (c) Court security: \$35;
 - (d) State's Attorney: \$40;
 - (e) Youth Diversion Fund: \$10;
 - (f) Drug Court Fund: \$10;
 - (g) C.A.S.A.: \$20;
 - (h) Clerk Operations Fund: \$30;
- (6) \$10 to the Child Advocacy Center Fund;
- (7) \$2 to the State's Attorney Records Automation Fund;
- (8) \$2 to the Public Defender Records Automation Fund;
- (9) \$10 to the County Jail Medical Costs Fund;
- (10) \$20 to the Probation and Court Services Fund;

(B) \$707 to the State Treasurer;

(C) \$352 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.022 SCHEDULE 7: MISDEMEANOR DRUG OFFENSES.

The Clerk shall collect \$905 and remit as follows:

- (A) \$282 to the County Treasurer who shall deposit the money as follows:
 - (1) \$20 to the Court Automation Fund;

- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
- (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
- (5) \$185 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund; \$50;
 - (b) Court system: \$30;
 - (c) Court security: \$30;
 - (d) State's Attorney: \$35;
 - (e) Youth Diversion Fund: \$5;
 - (f) Drug Court Fund: \$5;
 - (g) C.A.S.A.: \$15;
 - (h) Clerk Operations Fund: \$15;
- (6) \$10 to the Child Advocacy Center Fund;
- (7) \$2 to the State's Attorney Records Automation Fund;
- (8) \$2 to the Public Defender Records Automation Fund;
- (9) \$10 to the County Jail Medical Costs Fund;
- (10) \$20 to the Probation and Court Services Fund;

(B) \$621 to the State Treasurer;

(C) \$2 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.023 SCHEDULE 8: MISDEMEANOR SEX OFFENSES.

The Clerk shall collect \$1,184 and remit as follows:

Effingham County - Administration

(A) \$282 to the County Treasurer who shall deposit the money as follows:

- (1) \$20 to the Court Automation Fund;
- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
- (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
- (5) \$185 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$50;
 - (b) Court system: \$30;
 - (c) Court security; \$30;
 - (d) State's Attorney: \$35;
 - (e) Youth Diversion Fund: \$5;
 - (f) Drug Court Fund: \$5;
 - (g) C.A.S.A.: \$15;
 - (h) Clerk Operations Fund: \$15;
- (6) \$10 to the Child Advocacy Center Fund;
- (7) \$2 to the State's Attorney Records Automation Fund;
- (8) \$2 to the Public Defender Records Automation Fund;
- (9) \$10 to the County Jail Medical Costs Fund;
- (10) \$20 to the Probation and Court Services Fund;

(B) \$900 to the State Treasurer;

(C) \$2 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.024 SCHEDULE 9: MAJOR TRAFFIC OFFENSES.

The Clerk shall collect \$325 and remit as follows:

(A) \$203 to the County Treasurer who shall deposit the money as follows:

- (1) \$20 to the Court Automation Fund;
- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
- (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
- (5) \$150 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$25;
 - (b) Court system; \$30;
 - (c) Court security: \$30;
 - (d) State’s Attorney: \$30;
 - (e) Youth Diversion Fund: \$5;
 - (f) Drug Court Fund: \$5;
 - (g) C.A.S.A.: \$10;
 - (h) Clerk Operations Fund: \$15;

(B) \$97 to the State Treasurer;

(C) \$25 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.025 SCHEDULE 10: MINOR TRAFFIC OFFENSES.

The Clerk shall collect \$226 and remit as follows:

(A) \$168 to the County Treasurer who shall deposit the money as follows:

Effingham County - Administration

- (1) \$20 to the Court Automation Fund;
- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
- (4) \$8 to the Chant Court Clerk Electronic Citation Fund;
- (5) \$115 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$20;
 - (b) Court system: \$10;
 - (c) Court security: \$30;
 - (d) State's Attorney: \$20;
 - (e) Youth Diversion Fund: \$5;
 - (f) Drug Court Fund: \$5;
 - (g) C.A.S.A.: \$10;
 - (h) Clerk Operations Fund: \$15;

(B) \$46 to the State Treasurer;

(C) \$12 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.026 SCHEDULE 10.5: TRUCK WEIGHT AND LOAD OFFENSES.

The Clerk shall collect \$260 and remit as follows:

- (A) \$168 to the County Treasurer who shall deposit the money as follows:
 - (1) \$20 to the Court Automation Fund;
 - (2) \$20 to the Court Document Storage Fund;
 - (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;

- (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
- (5) \$115 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$20;
 - (b) Court system: \$10;
 - (c) Court security: \$30;
 - (d) State’s Attorney: \$20;
 - (e) Youth Diversion Fund: \$5;
 - (f) Drug Court Fund: \$5;
 - (g) C.A.S.A.: \$10;
 - (h) Clerk Operations Fund: \$15;

(B) \$92 to the State Treasurer.
(Ord. 19-52, passed 5-20-2019)

§ 36.027 SCHEDULE 11: CONSERVATION OFFENSES.

The Clerk shall collect \$195 and remit as follows:

- (A) \$168 to the County Treasurer who shall deposit the money as follows:
 - (1) \$20 to the Court Automation Fund;
 - (2) \$20 to the Court Document Storage Fund;
 - (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
 - (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
 - (5) \$115 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$20;
 - (b) Court system: \$10;

- (c) Court security: \$30;
- (d) State's Attorney: \$20;
- (e) Youth Diversion Fund: \$5;
- (f) Drug Court Fund: \$5;
- (g) C.A.S.A.: \$10;
- (h) Clerk Operations Fund: \$15;

(B) \$25 to the State Treasurer;

(C) \$2 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

**§ 36.028 SCHEDULE 12: DISPOSITIONS UNDER SUPREME COURT RULE 529
(TRAFFIC OFFENSES THAT DO NOT REQUIRE A COURT APPEARANCE).**

The Clerk shall collect \$164 and remit as follows:

(A) \$100 to the County Treasurer who shall deposit the money as follows:

- (1) \$20 to the Court Automation Fund;
- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Cleric Operation and Administrative Fund;
- (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
- (5) \$47 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$10;
 - (b) Court system: \$5;
 - (c) Court security: \$10;
 - (d) State's Attorney: \$10;

(e) Clerk Operations Fund: \$12;

(B) \$14 to the State Treasurer;

(C) \$50 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.029 SCHEDULE 13: PETTY OFFENSE, BUSINESS OFFENSE, NON-TRAFFIC ORDINANCE OFFENSE.

The Clerk shall collect \$100 and remit as follows:

(A) \$75 to the County Treasurer who shall deposit the money as follows:

- (1) \$20 to the Court Automation Fund;
- (2) \$20 to the Court Document Storage Fund;
- (3) \$5 to the Circuit Court Clerk Operation and Administrative Fund;
- (4) \$8 to the Circuit Court Clerk Electronic Citation Fund;
- (5) \$22 to the County General Fund to be distributed as follows:
 - (a) Circuit Clerk Fund: \$5;
 - (b) Court system: \$5;
 - (c) Court security: \$5;
 - (d) State's Attorney: \$5;
 - (e) Clerk Operations Fund: \$2;

(B) \$25 to the treasurer of the unit of local government of the arresting agency.
(Ord. 19-52, passed 5-20-2019)

§ 36.030 UNPAID ASSESSMENTS.

(A) Unless a court-ordered payment schedule is implemented or the assessment requirements of this subchapter are waived by court order, the Clerk is authorized to add to any unpaid assessments a delinquency amount equal to 15% of the unpaid assessments that remain unpaid after 90 days.

(B) Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Clerk Operations and Administration Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid assessments.
(Ord. 19-52, passed 5-20-2019)

MISCELLANEOUS FEES

§ 36.40 VEHICLE VIOLATIONS.

(A) *Fee established.* The Circuit Clerk shall charge and collect a \$5 fee to be added to all fines imposed for violation of the Illinois Vehicle Code other than § 11-501, being 625 ILCS 5/11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and all civil cases, and up to a \$30 fee to be added to all fines imposed for violation of § 11-501 of the Illinois Vehicle Code, being 625 ILCS 5/11-501 or a violation of a similar provision contained in county or municipal ordinances committed in the county. The proceeds of such fees shall be used to finance the court system in the county.
(Prior Code, § 36-7-40)

(B) *County Court System Finance Fund.* The Circuit Clerk shall transfer said fees to the County Treasurer monthly. The County Treasurer shall deposit these funds in a separate fund account designated as the County Court System Finance Fund, and make disbursements or transfers as directed by the County Board. The County Treasurer shall provide a monthly accounting of the Fund, including receipts, disbursements, transfers and any other fiscal activity, to the County Board monthly. The County Board shall use the aforementioned funds for the purpose intended by appropriation from time to time as may be required or needed.
(Prior Code, § 36-7-41) (Ord. 86-27, passed - -)

§ 36.41 COURT SERVICE FEE.

(A) The Clerk of the Circuit Court shall charge and collect an amended fee as a court security fee in all criminal cases upon disposition, except trauma system administration of traffic court cases, and in all civil cases by each party at the time of filing the first pleading, paper or other appearance, provided that no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance.

(1) In all civil cases, except those having a statutory exemption from fees, payable by each party at the time of filing the first pleading, paper or other appearance with no additional fee to be paid if more than one party presents a single pleading, paper or other appearance, the fee shall be \$25;

(2) In criminal, local ordinance, county ordinance, traffic and conservation cases, payable by each defendant upon a plea of guilty, stipulation of facts or finding of guilty, resulting in a judgement of conviction or order of supervision, or sentence of probation without entry of judgement pursuant to § 10 of the Cannabis Control Act being 720 ILCS 550/10, § 410 of the Illinois Controlled Substance Act being 720 ILCS 570/410, § 12-4.3 of the Criminal code of 1961, § 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, or § 10 of the Steroid Control Act, the fee shall be \$25. No fee shall be collected or imposed in traffic, conservation and ordinance cases, which do not require a court appearance and the fines are paid by mail or over the counter without a court appearance.

(3) The Chief Judge concurs with the County Board in its resolve to raise the court security fee to \$25 as outlined above effective January 1, 2004.

(B) Such fees shall be in addition to all other fees and charges of such Clerk and assessable as costs and shall be remitted monthly by such Clerk to the Treasurer of this county to be retained by such Treasurer in the General Fund for payment solely of costs incurred by the Sheriff in providing court security.

(Prior Code, § 36-7-45)

§ 36.042 GIS RECORDING FEE.

The county has determined increasing fee in the amount of \$3 is necessary to defer the cost of providing the GIS system. Therefore, the fee of \$12 will be increased by \$3 for a total to be charged of \$15 for the filing of every instrument, paper or notice submitted for recording; and that from such fees, \$14 shall be deposited into the special Geographic Information System Fund for advancement of the countywide geographic information system to be disbursed according to law, and the remaining \$1 shall be deposited into the Recorder's special fund created under § 3-5005.4, to be used at the Recorder's discretion. This section shall take effect December 1, 2008 and shall remain in effect until subsequently rescinded by action of this county.

(Ord. 08-65, passed 8-18-2008)

§ 36.043 DRUG TESTING; ELECTRONIC MONITORING.

(A) Pursuant to 730 ILCS 5/5-6-3(g) and 730 ILCS 5/5-6-3.1(g), an offender sentenced to probation, conditional discharge or supervision, who is required to undergo mandatory drug or alcohol testing or placed on electronic monitoring may be ordered to pay all costs incidental to such mandatory drug or alcohol testing and all costs incidental to such electronic monitoring in accordance with the defendant's ability to pay those costs. Whereas, the Honorable S. Gene Schwann, Chief Judge of the Fourth Judicial Circuit, in accordance with the County Board, has established reasonable fees for the costs of maintenance, testing and other incidental expense related to the mandatory drug and alcohol and electronic monitoring involved in a successful probation program for the county. The fee to be paid is as follows:

(1) The fee for drug and alcohol testing shall not exceed \$12 for each field test and shall not exceed \$75 for each laboratory tests to confirm a positive field test; and

(2) The fee for electronic monitoring shall not exceed \$15 per day.

(B) The fee for drug and alcohol testing shall not exceed \$12 for each field test performed by the Probation Department. The fee for drug and alcohol testing shall not exceed \$75 for each laboratory test.

(C) The fee for electronic monitoring shall not exceed \$10 per day.
(Ord. 09-23, passed 4-20-2009; Ord. 14-06, passed 1-21-2014)

§ 36.044 COUNTY CLERK; VITAL RECORDS; FEES AND FUND.

(A) *Definition.* **VITAL RECORDS** means records of births, deaths, fetal deaths, marriages, dissolution of marriages and data-related thereto.
(Prior Code, § 36-8-1)

(B) *Fee established.* The County Clerk shall impose an additional \$2 charge for certified copies of vital records which are requested to be made by the County Clerk's office. That purpose to 55 ILCS 5/4-4001, the additional \$2 charge is to be used for the sole purpose of defraying the costs of converting the County Clerk's document storage system for said vital records to computers of micrographics, and for maintaining system.
(Prior Code, § 36-8-2)

(C) *Special fund.* The County Treasurer is hereby ordered to establish a special fund for deposit of the monies collected as a result of said additional charge. The monies collected shall be placed in said special fund and shall be used solely to provide the equipment, material and necessary expenses incurred to help defray the cost of implementing and maintaining the County Clerk's document storage system for vital records.
(Prior Code, § 36-8-3)

(D) *Related fees.* The following fees shall be collected by the County Clerk; to-wit:

- (1) Certified copies: \$0.50/100 words, plus \$1 for certification:
 - (a) Birth certificates/corrections \$11.85; and
 - (b) Marriage or death certificates: \$11.85.
- (2) Fireworks permit: \$16.70;
- (3) Liquor permit:
 - (a) New liquor license: \$23.60; and
 - (b) Renewal liquor permits: \$17.35.
- (4) Notarized affidavit: \$1.30;
- (5) Vehicular license: \$12;
- (6) Marriage license: \$27;
- (7) Certifying acknowledgment: \$1.30;
- (8) Attending tax sales for each tract or town lot sold: \$29.15;
- (9) Raffle permit: \$16.70;
- (10) Demolition report: \$10;
- (11) Birth, death, marriage search: \$10;
- (12) Certificate of authority: \$10;
- (13) Tax deed: \$16.70
- (14) Tax estimates/County Clerk fee: \$23.55
- (15) Special event license: \$5;
- (16) Peddler/solicitor license: \$10;
- (17) Registration of notary: \$5.45
- (18) Assumed name filing: \$9;

- (19) Plat certifications: \$26.95;
- (20) Freedom of information services: see county policy;
- (21) Certificate of purchase surrendered: \$32;
- (22) Take notice: \$10;
- (23) Campaign disclosure: \$13.35;
- (24) Township maps: \$5;
- (25) Candidate petition copies: \$12.70
- (26) Absentee ballot listing: \$8.40;
- (27) Legislative district maps: \$20.20;
- (28) Precinct maps: \$15.15;
- (29) Petition of discovery: \$410.90;
- (30) Precinct lists: \$8.40;
- (31) County voter printout: \$4.25; and
- (32) Mailing labels per label: \$0.07.

(Prior Code, § 36-8-4)

§ 36.045 DELINQUENT TAX PARCEL.

(A) *Fee established.* The County Treasurer as ex officio county collector shall impose a \$5 per parcel automation fee to the purchaser of property for delinquent taxes.

(Prior Code, § 36-9-1)

(B) *Special fund.* The County Treasurer is hereby ordered to establish a special fund for the deposit of the monies collected as a result of said \$5 per parcel automation fee. The monies collected shall be placed in said special fund and shall be used solely to provide the equipment, material and necessary expenses incurred to help defray the cost of implementing and maintaining an automation system in the County Collector's office.

(Prior Code, § 36-9-2)

§ 36.046 PROPERTY SALES FEES.

(A) *Fee established.* The Treasurer may impose a fee of up to \$60, payable to the County Collector, upon each person purchasing any property at a sale held pursuant to the Illinois Revenue Code prior to the issuance of any certificate of purchase.

(Prior Code, § 36-9-4)

(B) *Special fund.* All sums of money received under this section shall be deposited in a special fund with the principal and interest invested as authorized by 55 ILCS 5/3-10009 and 5/3-10002. No payment shall be made from the fund except by order of the court declaring a sale in error under 35 ILCS 200/21-310. Any monies accumulated in the fund in excess of \$500,000 by the County Treasurer shall be paid to the General Fund of the county prior to the commencement of the annual tax sale.

(Prior Code, § 36-9-5)

§ 36.047 CORONER.

The fees of the Coroner's office shall be as follows.

(A) (1) A copy of a transcript of sworn testimony: \$3 per page.

(2) A copy of an autopsy report (if not included in transcript): \$30.

(3) A copy of the verdict of a coroner's jury: \$5.

(4) A copy of a toxicology report: \$15.

(5) A print of a picture obtained by the coroner: actual cost or \$3, whichever is greater.

(6) Each copy of miscellaneous reports, including artist's drawings but not including police reports: actual cost or \$15, whichever is greater.

(7) A coroner's or medical examiner's permit to cremate a dead human body: \$10.

(B) All fees under this section collected by or on behalf of the Coroner's office shall be paid over to the County Treasurer and deposited into the general fund of the county.

(Prior Code, § 36-10-1)

§ 36.048 PUBLIC DATA REQUESTS.

(A) *Tax system.* Any reports or files extracted from the county tax system will be charged the following rates:

(1) Staff time: \$56 per hour; and

(2) Computer time: \$56 per hour.

(3) Requests to extract data from the tax system will be submitted by the following offices and the fee for the request will be collected by the office making the request:

- (a) Assessor;
- (b) Board of Review;
- (c) County Clerk;
- (d) Circuit Clerk;
- (e) Mapping and Platting; and
- (f) Treasurer.

(Prior Code, § 36-11-1)

(B) Election system.

(1) Any reports or files extracted from the county election system will be charged the following rates. Information may be printed on either paper or labels.

<i>Printed on</i>	<i>Paper</i>	<i>Labels</i>
County-wide lists	\$85	
Precinct	\$3.45	\$5.85
Voter body	\$8.70	
Voter body - zip code order		\$62
Voter body - precinct zip code order	\$34	

(2) The costs for an extracted file that is requested on a storage medium other than paper will be charged at the same rate as a paper list. Requests to extract data from the election system will be submitted by the County Clerk’s office and the fee for the request will be collected by the office making the request.

(Prior Code, § 36-11-2)

(C) Criminal justice system.

(1) Criminal justice system, including:

- (a) Circuit Court;

- (b) Circuit Clerk;
- (c) State's Attorney;
- (d) Probation;
- (e) Public Defender; and
- (f) Sheriff.

(2) Any reports or files extracted from the county criminal justice system will be charged the following rates:

(a) Staff time: \$68 per hour; and

(b) Computer time: \$68 per hour
(Prior Code, § 36-11-3)

(D) *All other systems.*

(1) All other systems, including:

- (a) Civil courts system;
- (b) Animal control;
- (c) Recorder;
- (d) Vital records;
- (e) Child support;
- (f) Personnel;
- (g) Administration;
- (h) Financial; and
- (i) Law library.

(2) Any reports or files extracted from the systems listed above will be charged the following rates:

(a) Staff time: \$56 per hour; and

(b) Computer time: \$56 per hour
(Prior Code, § 36-11-4)

§ 36.049 SHERIFF.

(A) *Statement of law.* The fees of the County Sheriff for the following named services rendered in the county shall be as follows:

- (1) For serving or attempting to serve summons on each defendant: \$20;
- (2) For serving or attempting to serve an order or judgment granting injunctive relief: \$20;
- (3) For serving or attempting to serve each garnishee: \$20;
- (4) For serving or attempting to serve an order for replevin: \$20;
- (5) For serving or attempting to serve an order for attachment on each defendant: \$20;
- (6) For serving or attempting to serve a warrant of arrest (to be paid upon conviction): \$20;
- (7) For taking special bail: \$20;
- (8) For serving or attempting to serve a subpoena on each witness: \$20;
- (9) For returning each process in the county: \$10; and
- (10) For taking all bonds on legal process, civil and criminal: \$10.

(Prior Code, § 36-12-1)

(B) *Content of required documentation.* The County Board has reviewed, studied and prepared a statement of the costs of providing each service, program and activity. All supporting documents are public records and are subject to public examination and audit. With regard to the services specified, the County Board has reviewed all direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, and has determined that the cost per hour of a County Deputy Sheriff is \$36.50 for the year 2003. See 55 ILCS 5/4-5001.

(Prior Code, § 36-12-2)

(Ord. 03-58, passed 6-16-2003)

§ 36.050 LAW LIBRARY FEES.

(A) *Fee established.* The County Board does hereby establish a County Law Library under the terms and provisions of "An Act in Relation to the Establishment, Maintenance and Operation of County Law Libraries" (55 ILCS 5/5-39001). The library shall be maintained from the funds resulting from the

collection of the County Law Library fee that is hereby established at \$13. The fee shall be paid at the time of filing of the first pleading, paper or other appearance by each party in all civil cases, however no additional fee shall be required if more than one party is represented by a single pleading.
(Prior Code, § 36-13-1)

(B) *Law Library Fund*. These fees shall be in addition to other fees and charges of the Clerk, and assessable as costs, and shall be remitted monthly by the Clerk to the County Treasurer, to be retained by him or her in a special fund designated as the “Law Library Fund”.
(Prior Code, § 36-13-2)

§ 36.051 RECORDER OF DEEDS’ OFFICE FEES.

The following fees are hereby established for the Recorder of Deeds’ office.

Minimum fee for recording most instruments	\$20
(excepting certain assignments, liens, plats, condominiums, maps, surveys, UCC statements)	\$1 each
Condominium plat	\$89
Financing statements (UCC’s)	
8" x 5" standard form w/1 name	\$26
Mr/Mrs or H&W noted Additional debtors names, address, DBA’s assignments, amendments, partial releases and continuations terminations depending on original filing data (minimum)	\$13
Financing statement searches	
Search per debtor name/per address	\$13
Search per additional names or addresses	\$13
Liens (Ill. Dept. of Revenue) U.S. Amer/federal certificates, notices affecting liens and releases, discharge certificates, refilings, subordination Ill. or U.S. lien/release filings (per name) 2 pages	\$11
Certification (search) liens, certificates, notices, releases and the like (only)	
Applies to U.S. liens and the like (per name)	\$13
Monument record per instrument	\$20
Oil, gas and mineral assignments (first 2 pages)	\$11

Ordinance/public entities; water, sewer services and the like	
Ordinance including first 4 pages	\$25
Electronic image	
Copy internet (per copy)	\$4
CD Rom copy	\$50

(Prior Code, § 36-3-9)

§ 36.052 RECORDING A DOCUMENT; NONCONFORMING.

(A) The Recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act) that does not conform to the following standards.

(1) The document shall consist of one or more individual sheets measuring eight and one-half inches by 11 inches, not permanently bound and not a continuous form.

(2) The document shall be printed in black ink, typewritten or computer generated.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch, not permanently bound and not a continuous form.

(4) The first page of the document shall contain a blank space, measuring at least three inches by five inches, in the upper right hand corner.

(5) The document shall not have any attachment stapled or otherwise affixed to any page.

(B) A document that does not conform to these standards shall not be recorded except upon payment of the additional fee of \$12 required under this section.

(Prior Code, § 36-3-10)

§ 36.053 FEE ESTABLISHED; DOCUMENT STORAGE SYSTEM.

The Recorder shall charge and collect an additional fee of \$3 for filing every instrument, paper or notice for record, in order to defray the cost of converting the County Recorder's document storage system to computers or micrographics. Note: this \$3 fee is included in the above schedule of Recorder fees.

(Prior Code, § 36-3-11)

§ 36.054 COMPUTER EQUIPMENT FUND ESTABLISHED.

A special fund shall be set up by the Treasurer and such funds collected pursuant to this chapter shall be used solely for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the cost of implementing and maintaining such a document record system. See 55 ILCS 5/3-5018.

(Prior Code, § 36-3-12)

§ 36.055 GEOGRAPHIC INFORMATION SYSTEM FEE.

(A) *Fee established.*

(1) There is hereby established a \$12 fee for every instrument paper or notice for record in the Recorder of Deeds office. The fee shall be deposited into the special fund established by the County Treasurer’s office. All these funds shall be used solely for equipment, materials and necessary expenses incurred in implementing and maintaining a Geographic Information System.

(2) From such fees, \$11 shall be deposited into the special Geographic Information System Fund for advancement of the countywide geographic information system to be disbursed according to law, and the remaining \$1 shall be deposited into the Recorder’s special fund created under § 3-5005.4, to be used at the Recorder’s discretion.

(55 ILCS 5/3-5018) (Prior Code, § 36-3-13)

(B) *Additional fees.* The attached fee schedule be and hereby is adopted as the fees to be charged those persons or entities seeking GIS information from the county.

<i>GIS Data Fee Schedule</i>				
Printed map products	8.5" x 11"	11" x 17"	Poster	
Printed parcel lines	\$3	\$5	\$30	
Printed parcel dimensions	\$5	\$7	\$40	
Also available in exported digital form (.jpg or .tif; 200 dpi max) - via email or CD (\$1 extra for CD)				
Orthophotography - leased	Coverage	2' Resolution	0.5' resolution*	Combined
Spring 2002	Tile	\$50	\$100	

MrSid (cdrom) or .tif (DVD)	Entire county	\$2,500	\$2,500	\$4,500
			*Eff- \$1500, Lake Sara - \$1,000	
			Alt - \$500, Town - \$150	
<i>Internet Subscription</i>	<i>Access Classifications</i>	<i>Hours per day/wk/mo</i>	<i>Monthly Rate</i>	<i>Yearly rate</i>
-orthophotography	Occasional (weekly)	0.4/2/8	\$20	\$220
-tax parcels, w/attribute information	Regular (daily)	2/10/40	\$35	\$385
	Unlimited (all day)		\$60	\$660
Custom map work	Analysis/map design		\$40/hr (1/2-hr minimum)	

(Prior Code, § 36-3-14) (Ord. 02-54, passed 12-16-2002; Ord. 05-13, passed 3-21-2005)

§ 36.056 JAIL MEDICAL.

(A) *Reimbursement established.*

(1) There is hereby established pursuant to the authority granted to the county by all relevant state and federal laws, including, but not limited to, the following: 730 ILCS 125/17 provides that when medical or hospital services are required by any person held in custody, the county, private hospital, physician or any public agency which provides such services shall be entitled to obtain reimbursement from the county or from the Arrestees' Medical Costs Fund to the extent that monies in the Fund are available for the cost of such services.

(2) Further, pursuant to 730 ILCS 125/17, the County Board is authorized to adopt an ordinance or resolution providing for reimbursement for the cost of those services at the Department of Public Aid's rates charges for such services.

(Prior Code, § 36-3-16)

(B) *Purpose.* The purpose of this fee is to ease the financial burden on the county for medical services for arrestees since public aid rates are normally less than the usual rates charged for such services.

(Prior Code, § 36-3-17)

(C) *Statement of law.* The County Board, pursuant to the authority of the County Jail Act, 730 ILCS 125/17, hereby declares that the county shall reimburse private hospitals, physicians or other agencies

providing medical services to inmates of the county jail at the same rate as that paid by the State Department of Public Aid for medical assistance.

(Prior Code, § 36-3-18)

(Ord. 04-73, passed 6-21-2004)

TAXPAYERS' RIGHTS CODE

§ 36.070 TITLE.

This subchapter shall be known as, and may be cited as, the “Locally Imposed and Administered Tax Rights and Responsibility Code”.

(Prior Code, § 36-1-1)

§ 36.071 SCOPE.

The provisions of this code shall apply to the county’s procedures in connection with all of the county’s locally imposed and administered taxes.

(Prior Code, § 36-1-2)

§ 36.072 DEFINITIONS.

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

ACT. The Local Government Taxpayers’ Bill of Rights Act, being 50 ILCS 45/1 et seq.

CORPORATE AUTHORITIES. The County Board Chairman and Effingham County Board.

COUNTY. The County of Effingham, Illinois.

LOCALLY IMPOSED AND ADMINISTERED TAX or TAX. Each tax imposed by the county that is collected or administered by the county not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the county other than infrastructure maintenance fees.

LOCAL TAX ADMINISTRATOR. The Effingham County Collector, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator’s stead. The local tax administrator shall have the authority to implement the terms of this

code to give full effect to this code. The exercise of such authority by the local tax administrator shall not be inconsistent with this code and the Act.

NOTICE. Each audit notice, collection notice or other similar notice or communication in connection with each of the county's locally imposed and administered taxes.

TAX ORDINANCE. Each ordinance adopted by the county that imposes any locally imposed and administered tax.

TAXPAYER. Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the county.

(Prior Code, § 36-1-3)

§ 36.073 NOTICES.

(A) Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator.

(B) The notice shall be sent by the local tax administrator as follows:

(1) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address; or

(2) Personal service or delivery.

(Prior Code, § 36-1-4)

§ 36.074 LATE PAYMENT.

Any notice, payment, remittance or other filing required to be made to the county pursuant to any tax ordinance shall be considered late unless it is:

(A) Physically received by the county on or before the due date; or

(B) Received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the county, with adequate postage prepaid.

(Prior Code, § 36-1-5)

§ 36.075 PAYMENT.

Any payment or remittance received for a tax period shall be applied in the following order:

- (A) First to the tax due for the applicable period;
- (B) Second to the interest due for the applicable period; and
- (C) Third to the penalty for the applicable period.

(Prior Code, § 36-1-6)

§ 36.076 CERTAIN CREDITS AND REFUNDS.

(A) The county shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction; however, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be four or less years after the end of the calendar year in which payment in error was made. The county shall not grant a credit or refund of locally imposed and administered taxes, interest or penalties to a person who has not paid the amounts directly to the county.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

(1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

- (a) The name of the locally imposed and administered tax subject to the claim;
- (b) The tax period for the locally imposed and administered tax subject to the claim;
- (c) The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
- (d) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
- (e) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the county.

(2) Within ten days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

(a) Grant the claim; or

(b) Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 5% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

(Prior Code, § 36-1-7)

§ 36.077 AUDIT PROCEDURE.

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this code.

(A) Each notice of audit shall contain the following information:

(1) The tax;

(2) The time period of the audit; and

(3) A brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven days nor more than 30 days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the county.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the county. If the taxpayer or tax collector fails to provide the documents necessary for

audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the county's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.
(Prior Code, § 36-1-8)

§ 36.078 APPEAL.

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial or a notice of claim reduction regarding any tax; the notice shall include the following information:

- (1) The reason for the assessment;
- (2) The amount of the tax liability proposed;
- (3) The procedure for appealing the assessment; and
- (4) The obligations of the county during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within 45 days of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the 45-day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing

a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45-day period.

(Prior Code, § 36-1-9)

§ 36.079 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under § 36.078, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.

(C) At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

(Prior Code, § 36-1-10)

§ 36.080 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) *Interest.* The county hereby provides for the amount of interest to be assessed on a late payment, underpayment or nonpayment of the tax to be 12% per annum, based on a year of 365 days and the number of days elapsed.

(B) *Late filing and payment penalties.* If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of 5% of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the county issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 12% of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

(Prior Code, § 36-1-11)

§ 36.081 ABATEMENT.

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

(Prior Code, § 36-1-12)

§ 36.082 INSTALLMENT CONTRACTS.

The county may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the 14-day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

(Prior Code, § 36-1-13)

§ 36.083 STATUTE OF LIMITATIONS.

(A) The county, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing.

(B) The taxpayer shall have 45 days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(1) No determination of tax due and owing may be issued more than four years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(2) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the village, the tax paid was less than 75% of the tax due, the statute of limitations shall be six years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(3) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

(Prior Code, § 36-1-14)

§ 36.084 VOLUNTARY DISCLOSURE.

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of 1% per month, for all periods prior to the filing of the application but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest or penalty for any period before the date the application was filed; however, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator; however, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

(Prior Code, § 36-1-15)

§ 36.085 PUBLICATION OF TAX ORDINANCES.

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the County Clerk's office.

(Prior Code, § 36-1-16)

§ 36.086 INTERNAL REVIEW PROCEDURE.

(A) The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes.

(B) Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect.

(C) If the lien is determined to be improper, the local tax administrator shall:

(1) Timely remove the lien at the county's expense;

(2) Correct the taxpayer's credit record; and

(3) Correct any public disclosure of the improperly imposed lien.

(Prior Code, § 36-1-17)

§ 36.087 APPLICATION.

This subchapter shall be liberally construed and administered to supplement all of the county's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this subchapter, this subchapter shall be controlling.

(Prior Code, § 36-1-18)

SALES TAX**§ 36.100 USE TAX.**

(A) *Use tax.* A supplementary use tax is hereby imposed upon the privilege of using any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of this state's government, at a rate of 0.25% of the selling price of such tangible personal property as "selling price" is defined in the Use Tax Act, being 35 ILCS 105/1 et seq., approved July 14, 1955, as amended. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being within the county.

(Prior Code, § 36-2-1)

(B) *Administration of tax.* Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, found in the Use Tax Act, being 35 ILCS 105/1 et seq., as are now or hereafter amended, unless otherwise noted or excepted in P.A. 84-163. See 55 ILCS 5/1-1001.

(Prior Code, § 36-2-2)

(Ord. 86-1, passed 1-17-1986)

§ 36.101 SERVICE OCCUPATION TAX.

(A) *Service occupation tax.* A supplementary service occupation tax is hereby imposed upon all persons engaged in the business of making sales of service within the county, at the rate of 0.25% of the cost price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service.

(Prior Code, § 36-2-4)

(B) *Administration of tax.* Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, penalties and definitions of terms, and the same mode of procedures as found

in the Service Occupation Tax Act, being 35 ILCS 105 and Retailers Occupation Tax Act, being 35 ILCS 120, respectively, as are now or hereafter amended, unless otherwise noted. See 55 ILCS 5/1-1001.

(Prior Code, § 36-2-5)

(Ord. 86-1, passed 1-17-1986)

§ 36.102 RETAIL OCCUPATION TAX.

(A) *Retail occupation tax imposed.* A supplementary retailers' occupation tax at a rate of 0.25% is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail within the county.

(Prior Code, § 36-2-7)

(B) *Administration of tax.* Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, penalties and definitions of terms, and the same mode of procedures as found in the Retailers' Occupation Tax Act, being 35 ILCS 120, as are now or hereafter amended, unless otherwise noted or excepted in P.A. 84-163. See 55 ILCS 5/1-1001.

(Prior Code, § 36-2-8)

(Ord. 86-1, passed 1-17-1986)

§ 36.103 PUBLIC SAFETY TAX.

(A) *Tax imposed.*

(1) A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of the state's government, at retail in this county at the rate of 0.25% of the gross receipts from such sales made in the course of such business while this section is in effect; and a tax is hereby imposed upon all persons engaged in this county in the business of making sales of service, at the rate of 0.25% of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. Such special county occupation taxes for public safety shall not be applicable to the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

(2) The imposition of these public safety taxes is in accordance with the provisions of §§ 5-1006.5(a) and 5-1006.5(b), of the Counties Code (55 ILCS 5/5-1006.5(a) and 55 ILCS 5/5-1006.5(b)).

(B) *Penalties.* The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the state. The Department of Revenue shall have full power to administer and enforce the provisions of this section. (Prior Code, § 36-2-11) (Ord. 05-30, passed 5-16-2005)

§ 36.104 OCCUPATION TAX.

(A) A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of the state's government, at retail in this county at the rate of 0.25% of the gross receipts from such sales made in the course of such business while this section is in effect; and a tax is hereby imposed upon all persons engaged in this county in the business of making sales of service, at the rate of 0.25% of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. Such special county occupation taxes for public safety shall not be applicable to the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The imposition of these public safety taxes is in accordance with the provisions of §§ 5-1006.5(a) and 5-1006.5(b), of the Counties Code (55 ILCS 5/5-1006.5(a) and 55 ILCS 5/5-1006.5(b)).

(B) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the state. The Department of Revenue shall have full power to administer and enforce the provisions of this section.

(C) The County Clerk is hereby directed to file a certified copy of this section on or before the October 1, 2005.

(D) This section shall take effect on the first day of January next following the adoption and filing of this section with the Department of Revenue. (Ord. 05-30, passed 5-16-2005)

RECORDER OF DEEDS

§ 36.115 DEFINITIONS.

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

BENEFICIAL INTEREST. Includes, but is not limited to:

- (1) The beneficial interest in a state land trust;

(2) The lessee interest in a ground lease (including any interest of the lessee in the related improvements) that provides for a term of 30 or more years when all options to renew or extend are included, whether or not any portion of the term has expired; or

(3) The indirect interest in real property as reflected by a controlling interest in a real estate entity.

PERSON. Any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.

RECORDATION. The recording of deeds by the Recorder of Deeds.

VALUE. The amount of the full actual consideration thereof, including the amount of any lien or liens assumed by the buyer.
(Prior Code, § 36-3-1)

§ 36.116 TAX IMPOSED.

(A) A tax is imposed on the privilege of transferring title to real estate or beneficial interest in a land trust, as represented by the deed that is filed for recordation, at the rate of \$0.25 for each \$500 of value or fraction thereof stated in the declaration provided for in this section. If, however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

(B) Such tax shall be collected by the Recorder of Deeds through the sale of revenue stamps whose design, denominations and form shall be prescribed by the Recorder of Deeds.

(1) The Recorder of Deeds may sell the revenue stamps at a rate of \$0.25 per \$500 of value or fraction thereof.

(2) Except as provided in § 36.117, no deed or trust document shall be accepted for filing by the Recorder of Deeds unless county revenue stamps in the required amount have been purchased from the Recorder of Deeds. Such revenue stamp shall be affixed to the deed or trust document by the Recorder of Deeds either before or after recording as requested by the grantee.

(3) A person using or affixing a revenue stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his or her initials and the day, month and year when the affixing occurs. Such markings shall be made by writing or stamping in indelible ink or by perforating with a machine or punch; however, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.

(C) At such time as the tax levied by this subchapter is paid, there shall be filed with the Recorder of Deeds a fully executed and completed copy of the “Real Estate Transfer Declaration” required by provisions of 55 ILCS 5/5-1031.
(Prior Code, § 36-3-2)

§ 36.117 EXEMPT DEEDS AND TRUST DOCUMENTS.

The following deeds and trust documents shall be exempt from the provisions of this subchapter, except as hereinafter provided:

(A) Deeds or trust documents representing real estate transfers made before the adoption of this subchapter, but recorded after that date;

(B) Deeds or trust documents to property acquired by any governmental body or from any governmental body or deeds or trust documents to property between association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes;

(C) Deeds or trust documents which secure debt or other obligation;

(D) Deeds or trust documents which, without additional consideration, confirm, correct, modify or supplement a deed previously recorded;

(E) Deeds or trust documents where the actual consideration is less than \$100;

(F) Deeds or trust documents of release of property which is security for a debt or other obligation;

(G) Tax deeds or trust documents;

(H) Deeds or trust documents of partition;

(I) Deeds or trust documents made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets or corporations pursuant to plans of reorganization;

(J) Deeds or trust documents made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary’s stock;

(K) Deeds or trust documents wherein there in an actual exchange of real estate except that money difference or money’s worth paid for one to the other shall not be exempt from the tax; and

(L) Deeds or trust documents representing transfers subject to the imposition of a documentary’s stamp tax imposed by the government of the United States, except that such deeds shall not be exempt from filing the declaration.
(Prior Code, § 36-3-3)

§ 36.118 PROCEEDS TO COUNTY TREASURER.

All proceeds resulting from the collection of the tax imposed by this subchapter shall be paid to the County Treasurer on a daily basis.

(Prior Code, § 36-3-4)

§ 36.119 TAX ADDITIONAL TO OTHERS.

The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the state or by any municipal corporation or political subdivision thereof.

(Prior Code, § 36-3-5)

§ 36.120 PRIOR DOCUMENTS.

Documents filed in the office of the Recorder of Deeds of the county, subsequent to June 1, 2005, on which have been affixed state real estate transfer tax stamps at the rate of \$0.50 per \$500 valuation shall be construed to be the collection of the state real estate transfer tax and the county real estate transfer tax at the rate of \$0.25 per \$500 valuation respectively.

(Prior Code, § 36-3-6) (Ord. 05-26, passed 4-18-2005)

9-1-1 EMERGENCY TELEPHONE TAX**§ 36.135 IMPOSITION OF FEE.**

A surcharge is hereby imposed, subject to the provisions of § 36.136, upon all telecommunications carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the county and terminating within the state for funding of a 9-1-1 emergency telephone system.

(Prior Code, § 36-4-1)

§ 36.136 FEE ESTABLISHED.

A surcharge is hereby imposed at a rate of \$1 per month in-service network connection, other than those network connections assigned to the county, where the subscribers service address for each network connection(s) are located within the corporate limits of the county. The ***SERVICE ADDRESS*** shall mean the location of the subscriber's primary use of the network connection(s). A network connection shall not be deemed in-service where a subscriber's account is uncollectible.

(Prior Code, § 36-4-2)

§ 36.137 ACCOUNTING CHARGE.

In lieu of the telecommunication carriers imposing a 3% accounting and collection charge on its subscribers as permitted under the “Act”, each telecommunication carrier is hereby authorized and instructed to recover said accounting and collection charge by deducting 3% from the amount of surcharge, which is \$1 per month, per in-service network connection, otherwise due and owing the county prior to remittance under §§ 36.140 and 36.141.

(Prior Code, § 36-4-3)

§ 36.138 DEFINITIONS.

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

NETWORK CONNECTIONS. The number of voice grade communications channels directly between a subscriber and a telecommunication carrier’s public switched network without the intervention of any other telecommunication carrier’s switched network which would be required to carry the subscribers inter-premises traffic.

TELECOMMUNICATION CARRIER. Any natural individual, form, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by the order of any court engaged in the business of transmitting messages by means of electricity.

TRANSMITTING MESSAGES. Has the meaning ascribed to a term in Chapter 24, §§ 8-11-2 of the Illinois Municipal Code, being 65 ILCS 5/8-11-2.

(Prior Code, § 36-4-4)

§ 36.139 IMPOSITION OF SURCHARGE.

The surcharge shall be imposed on the first day of the month following the expiration of 90 days from the date the County Clerk certifies to any of the telecommunication carriers who are subject to the surcharge that the referendum referred to in § 36.136 has passed.

(Prior Code, § 36-4-5)

§ 36.140 SURCHARGE DUE.

The amount of the surcharge due and owing shall be paid to the county not later than 90 days after the surcharge liability accrues, net of any network or other 9-1-1 or sophisticated 9-1-1 system charge then due the particular telecommunication carrier as shown on an itemized bill and the 3% accounting and collection charge described in § 36.137.

(Prior Code, § 36-4-6)

§ 36.141 ESTABLISHMENT OF FUND.

The County Treasurer is to create an emergency telephone system fund in which all monies received by the surcharge imposed under this subchapter shall be deposited. The County Treasurer is hereby deemed to be the custodian of the Emergency Telephone System Fund. All interest accruing on the Emergency Telephone System Fund shall remain in the fund. The surcharge due and owing by the telecommunication carrier shall be remitted to the County Treasurer who shall deposit said amount in the Emergency Telephone System Fund.

(Prior Code, § 36-4-7)

§ 36.142 REPORTS TO COUNTY.

Simultaneously, with the remittance of the surcharge amount to the County Treasurer, each telecommunication carrier shall make a return to the County Treasurer and to any Emergency Telephone System Board which may be created in the future, stating the following for the period for which the remittance applies:

- (A) The name of the telecommunications carrier;
- (B) The telecommunication carrier's principal place of business;
- (C) The number of network connections to which a surcharge applies;
- (D) The amount of surcharge due;

(E) Any amounts which may have been deducted by the telecommunication carrier pursuant to this subchapter or pursuant to state statute; and

(F) Such other information as the county or an Emergency Telephone System Board, which may hereafter be created, may require.

(Prior Code, § 36-4-8)

§ 36.143 AMOUNT PAID BUT NOT DUE.

If it should appear that an amount of surcharge has been paid which was not due under the provisions of this subchapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credit against any surcharge due, or to become due, under this subchapter from the telecommunication carrier who made the erroneous payment. See 50 ILCS 750/15.3.

(Prior Code, § 36-4-9)

MANUFACTURED HOME TAX

§ 36.155 DEFINITIONS.

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

MANUFACTURED HOME. A factory assembled structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, and placement on a temporary foundation, at which it is intended to be a permanent habitation, and situated so as designed to permit the occupancy thereof as a dwelling place for one or more persons, provided that any such structure resting in whole on a permanent foundation, with wheels, tongue and hitch removed at the time of registration provided for in § 36.157, shall not be construed as a “mobile home”, but shall be assessed and taxed as real property as defined by § 1 of the Revenue Act of 1939, filed May 17, 1939, as amended. **MANUFACTURED HOMES** owned by a corporation or partnership and on which personal property taxes are paid as required under the Revenue Act of 1939 shall not be subject to this tax. **MANUFACTURED HOMES** located on a dealer’s lot for resale purposes or as an office shall not be subject to this tax.

MANUFACTURED HOME PARK. Has the meaning ascribed to it by § 2.5 of An Act to Provide For, License and Regulate Mobile Homes and Mobile Home Parks and to Repeal an Act Named Herein, approved September 8, 1971, as amended. See 210 ILCS 115/1.

PERMANENT HABITATION. Available for habitation for a period of two or more months. (Prior Code, § 36-5-1)

§ 36.156 TAX ESTABLISHED.

(A) Manufactured homes in addition to such taxes as provided in the Use Tax Act, being 35 ILCS 105, shall be subject to the following privilege tax only, and to no ad valorem tax. Except as provided in § 36.161, the owner of each inhabited manufactured home shall pay to the County Treasurer of the county in which such manufactured home is located an annual tax to be computed at the rate shown in the table below:

<i>Tax Year Following Model Year of Manufactured Home</i>	<i>Tax Per Square Foot</i>
Model year and 1st and 2nd year following	\$0.15.0
3rd, 4th and 5th years following model year	\$0.13.5
6th, 7th and 8th years following model year	\$0.12.0

<i>Tax Year Following Model Year of Manufactured Home</i>	<i>Tax Per Square Foot</i>
9th, 10th and 11th years following model year	\$0.10.5
12th, 13th and 14th years following model year	\$0.09.0
15th year following model year and subsequent years	\$0.07.5

(B) For purposes of this subchapter, the square footage shall be based upon the outside dimensions of the manufactured home excluding the length of the tongue and hitch. The owner of a manufactured home on January 1 of any year shall be liable for the tax of that year, except that the owner of a manufactured home on July 1, 1975, shall be liable for the tax for the period of July 1, 1975 to December 31, 1975.

(Prior Code, § 36-5-2)

§ 36.157 REGISTRATION FORM; CONTENTS.

The owner of each inhabited manufactured home located in this county on the effective date of this subchapter shall, within 30 days after such date, file with the Supervisor of Assessments a manufactured home registration form containing the information hereinafter specified. Manufactured home park operators shall forward a copy of the manufactured home registration form provided in 210 ILCS 115/12, as amended to the Supervisor of Assessments within five days of the entry of a manufactured home into such park. The owner of a manufactured home not located in a manufactured home park shall, within 30 days after initial placement of such manufactured home in the county and within 30 days after movement of such manufactured home to a new location, file with the Supervisor of Assessments a manufactured home registration showing the name and address of the owner and every occupant of the manufactured home, the location of the manufactured home, the year of manufacture, and the square feet of floor space contained in such manufactured home. Such registration shall also include the license number of such manufactured home and of the towing vehicle, if there be any, and the state issuing such licenses. The registration shall be signed by the owner or occupant of the manufactured home. It is the duty of the Supervisor of Assessments to require timely filling of a properly completed registration for each manufactured home located in his or her county. Any person furnishing misinformation for purposes of registration or failing to file a required registration is guilty of a Class A misdemeanor. See 35 ILCS 515/4 and 210 ILCS 115/1.

(Prior Code, § 36-5-3)

§ 36.158 DELIVERY OF REGISTRATIONS TO COUNTY CLERK.

The Supervisor of Assessments, within seven days after filing of a registration, shall deliver such registration to the County Clerk. See 35 ILCS 515/5.

(Prior Code, § 36-5-4)

§ 36.159 COMPUTATION OF TAX; DUE DATE; DISTRIBUTION TO DISTRICTS.

Except as otherwise provided in this section, within 60 days of receipt of each registration form, the County Clerk shall compute the tax due, as provided in § 36.156, and certify the tax to the County Treasurer who shall mail the tax bill to the owner of such manufactured home at the time he or she receives the certification or the annual billing date, whichever occurs later. If the registration form is accompanied by a receipt for privilege taxes paid in the state for the current tax year, no further privilege tax shall be imposed for the remainder of the current tax year. If the manufactured home is initially harbored after the annual liability date, as provided in § 36.156, the County Clerk shall reduce such tax one-twelfth for each month that has passed since such annual liability date. A manufactured home harbored after the first day of such month shall be considered to have been harbored for the entire month for the purposes of this section. Thereafter, except for the year 1975, the County Clerk shall compute such tax as June 1 of each year and certify the tax to the County Treasurer. Such tax shall be due and payable to the County Treasurer within 60 days after the Treasurer mails the tax bill to the address of record. The County Treasurer shall distribute such taxes to the local taxing districts within the boundaries of which such manufactured homes are located, in the same proportion as the property taxes collectible for each such taxing district in the prior year.

(Prior Code, § 36-5-5)

§ 36.160 ERROR IN TAX BILL.

If a tax bill is in error as to the square footage of the manufactured home or as to the rate of tax, the owner may file an affidavit with the County Treasurer setting forth such error. If the tax bill does not show the name of the correct owner, the person whose name appears as owner on the bill may file an affidavit with the County Treasurer so stating the identifying the correct owner, if known. Upon the filing of an affidavit as provided in this section, the County Treasurer shall issue a corrected bill and shall so indicate on his or her records. See 35 ILCS 515/7.

(Prior Code, § 36-5-6)

§ 36.161 REDUCTION OF PRIVILEGE TAX; CONDITIONS.

(A) The privilege tax shall be reduced to 80% of the tax provided for in § 36.156 for the owners of manufactured homes who:

- (1) Are actually residing in such manufactured homes;
- (2) Hold title to such manufactured home as provided in the Illinois Vehicle Code, being 625 ILCS 5, approved September 29, 1969, as amended; and
- (3) Are 65 years of age or older or are disabled persons within the meaning of § 3.14 of the Senior Citizens and Disabled Persons Property Tax Relief Act, being 320 ILCS 25/3.14 on the annual billing date.

(B) An application for reduction of the tax shall be filed with the County Clerk by the individuals who are entitled to the reduction. If the application is filed after May 1, the reduction in tax shall begin with the next annual bill. Application for the reduction of tax shall be done by affidavit in substantially the following form:

**APPLICATION FOR REDUCTION
OF MANUFACTURED HOME LOCAL SERVICES TAX**

I hereby make application for a reduction to eighty percent (80%) of the total tax imposed under "An Act to Provide for a Privilege Tax on Mobile Homes".

(A) Senior Citizens.

(1) I actually reside in the manufactured home...

(2) I hold title to the manufactured home as provided in the Illinois Vehicle Code...

(3) I reached the age of sixty-five (65) on or before either January 1 (or July 1) of the year in which this statement is filed. My date of birth is...

(B) Disabled Persons.

(1) I actually reside in the manufactured home...

(2) I hold title to the manufactured home as provided in the Illinois Vehicle Code...

(3) I was totally disabled on... and have remained disabled until the date of this application. My Social Security, Veterans, Railroad or Civil Service Total Disability Claim Number is... The undersigned declares under the penalty of perjury that the above statements are true and correct.

Dated _____, 20_____

Signature of Owner

Address

Approved by: _____

(City) (State) (Zip)

This application shall be accompanied by a copy of the applicant's most recent application filed with the Illinois Department of Revenue under the Senior Citizens and Disabled Persons Property Tax Relief Act, approved July 17, 1972, as amended.
(Prior Code, § 36-5-7)

§ 36.162 UNPAID TAXES; LIEN ON MANUFACTURED HOME.

If any privilege tax imposed by this subchapter is not paid when due, the County Treasurer of the county in which the manufactured home is located shall have a lien on the manufactured home for the amount of the tax, addition to the tax, penalty and interest due. Such lien shall terminate unless the County Treasurer files with the County Recorder of the county in which the manufactured home is located a notice of lien and files a financing statement in the office of the Secretary of State pursuant to Article 9 of the Uniform Commercial Code, being 810 ILCS 5/9-101 et seq., as now or hereafter amended within two years of such tax due date. From the time of filing, the amount set forth in the certificate also constitutes a lien upon all property of the taxpayer then owned by him or her or thereafter acquired by him or her in the period before the expiration of the lien. Such liens have the same force, effect and priority as a judgment lien and continue for ten years from the date of the recording unless sooner released or otherwise discharged. The County Treasurer may, at any time, release all or any portion of the property subject to any lien provided for in this subchapter or subordinate the lien to other liens if he or she determines that the taxes are sufficiently secured by a lien or other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes.

(Prior Code, § 36-5-8)

§ 36.163 INTEREST ON DELINQUENT TAXES; PENALTY FOR FRAUD.

If any privilege tax, or part thereof, imposed by this subchapter is not paid on or before the due date for such tax, interest on such amount at the rate of 1.5% per month shall be paid for the period from such due date to the date of payment of such amount. If such failure to pay such tax is the result of fraud, there shall be added to the tax as a penalty an amount equal to 50% of the deficiency. See 35 ILCS 515/9.

(Prior Code, § 36-5-9)

§ 36.164 INVALIDITY OF PROVISIONS.

If any section, division, sentence or clause of this subchapter shall be adjudged unconstitutional, such adjudication shall not affect the validity of the subchapter as a whole or of any section, division, sentence or clause thereof not adjudged unconstitutional.

(Prior Code, § 36-5-10)

§ 36.165 MANUFACTURED HOME DEALERS; NOTIFICATION.

Manufactured home dealers shall, within ten days after any retail sale and delivery of a manufactured home, notify the County Clerk of the county in which the point of delivery is located of the sale, the name of the purchaser, the point at which delivery to the purchaser was made, and the serial number and exterior measurements of the manufactured home.

(Prior Code, § 36-5-11)

§ 36.166 MOVING PERMITS; PENALTY.

(A) Before any manufactured home subject to the tax imposed by this subchapter may be moved, the transporting company must obtain a permit from the County Treasurer certifying that the tax on the manufactured home has been paid for the current tax period.

(B) It shall be a Class B misdemeanor for any person or entity to move any manufactured home or cause it to be moved a distance of more than one mile without having received such permit from the taxpayer. It shall be a Class B misdemeanor for any taxpayer to move any manufactured home or cause it to be moved a distance of more than one mile without such permit having been issued by the County Treasurer. This section does not apply to any person or entity who moves a manufactured home or causes it to be moved pursuant to a court order.

(Prior Code, § 36-5-12)

§ 36.167 VIOLATION.

It shall be a violation of this code to fail to submit information required under this subchapter or to knowingly submit any false information under this subchapter. See 35 ILCS 515/1 et seq.

(Prior Code, § 36-5-13) Penalty, see § 10.99

HOTEL/MOTEL TAX**§ 36.180 DEFINITIONS.**

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

COUNTY. The County of Effingham, an Illinois municipal corporation.

HOTEL (which includes a **MOTEL**), **OPERATOR**, **OCCUPANCY**, **ROOM** or **ROOMS**, **PERMANENT RESIDENT**, **RENT** or **RENTAL**, **DEPARTMENT** and **PERSON**. Have the meanings provided in 35 ILCS 145/2 as that section may be in force from time to time.

RETURN. Any return filed or required to be filed as provided in this subchapter.

TREASURER. The County Treasurer of the County of Effingham, Illinois.
(Prior Code, § 36-6-1)

§ 36.181 TAX.

(A) There is hereby levied and imposed for the period commencing July 1, 1997 a tax of 5% of the gross rental receipts from the renting, leasing or letting of a hotel or motel room within the county for each 24-hour period or any portion thereof for which a daily room charge is made; provided, however, that a tax shall not be levied or imposed upon any person who shall be a permanent resident. A **PERMANENT RESIDENT** is hereby defined to be a person who rents a hotel or motel room same establishment for more than 30 consecutive days or to a person who works and lives in the same hotel or motel.

(B) Persons subject to the tax hereby imposed may reimburse themselves for their tax liability for such tax by separately filing such tax as an additional charge, which charge may be stated in combination and in single amount with the state tax imposed under the Hotel Operator's Occupation Tax Act, as provided in 35 ILCS 145/1 et seq.

(C) The tax herein levied and imposed shall be paid in addition to any and all other taxes and charges. It shall be the duty of the operator to pay the amount of the tax to the Treasurer under procedures prescribed by the Treasurer or as otherwise provided in this subchapter.
(Prior Code, § 36-6-2)

§ 36.182 RECORDS TO BE KEPT.

(A) Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon in such form as may be required by regulation prescribed by the Treasurer or as otherwise provided in this subchapter. Such records shall be available for inspection and examination for any proper purpose at any reasonable time upon demand by the Treasurer or a duly authorized agent or employee of the county and shall be preserved for a period of three years unless the Treasurer shall prescribe a shorter period of time.

(B) It shall be unlawful for any person to prevent, hinder or interfere with the Treasurer or the duly authorized deputy or representative of the Treasurer in the discharge of the duties of the Treasurer.
(Prior Code, § 36-6-3) Penalty, see § 10.99

§ 36.183 RETURNS.

(A) Every operator shall file monthly with the Treasurer a return of occupancy and of rents and of the taxes payable thereon on forms prescribed by the Treasurer and consistent with returns required under the Hotel Operator's Occupation Tax Act found in 35 ILCS 145/1 et seq.

(1) The return shall be due on or before the last day of the calendar month succeeding the end of the month filing period.

(2) A separate return shall be filed for each place of business within the county, regardless of ownership.

(B) The first period for the purpose of this subchapter shall commence on July 1, 1997, and the tax return and payment for such shall be due on or before August 31, 1997. Thereafter, reporting and tax payments shall be in accordance with the provisions of this subchapter. At the time of filing such tax returns, the operator shall pay the full amount of all tax due hereunder.

(C) If for any reason any tax is not paid when due, a penalty at the rate of 1% per month shall be added and collected.

(Prior Code, § 36-6-4) (Ord. 97-40, passed 7-21-1997)

§ 36.184 COLLECTION.

Whenever any person shall fail to pay any tax due hereunder or penalty, the Treasurer shall bring or cause to be brought in the name of the county an action to enforce payment of the tax in any court of competent jurisdiction, together with the cost of such action.

(Prior Code, § 36-6-5)

§ 36.185 PROCEEDS OF TAXES.

(A) All proceeds resulting from the imposition of the tax hereunder, including penalties, shall be paid into the Treasury of the county and shall be credited to and deposited in the corporate funds of the county.

(B) All such proceeds shall be separately accounted for by the Treasurer.

(Prior Code, § 36-6-6)

§ 36.186 USE OF FUNDS.

All taxes and penalties received by the county hereunder shall be expended by the county solely to promote tourism, conventions, expositions, theatrical, sports, cultural and other special events within the county and otherwise to attract non-residents to visit the county. The County Board will provide by

separate means for such expenditures, which methods may be changed from time to time, consistent with the terms of this subchapter and the laws of the state.
(Prior Code, § 36-6-7)

§ 36.187 CERTIFICATE OF REGISTRATION.

It shall be unlawful and a violation of this subchapter for any person to engage in the business of renting, leasing or letting rooms in a hotel within the county without a certificate of registration from the Treasurer. Such registrations shall be issued by the Treasurer in forms consistent with those registrations issued by the Department under the provisions of 35 ILCS 145/5.
(55 ILCS 5/5-1030) (Prior Code, § 36-6-8) Penalty, see § 10.99

