

Chapter 2

THE VILLAGE BOARD, ITS OFFICERS AND EMPLOYEES

Article I. THE VILLAGE BOARD

Sec. 1. HOW COMPOSED, FILLING VACANCIES

The Village Board shall consist of the President and Board of Six Trustees. It shall be the judge of the election and qualification of its own members and in case any vacancy shall occur in the office of President or Trustees by death, resignation, removal or any other cause, such vacancy shall be filled as provided by statute.

Sec. 2. QUALIFICATION OF PRESIDENT AND TRUSTEES

No person shall be eligible to the office of President or Trustee unless he shall be qualified in accordance with Section II, State of Illinois Municipal Code.

Sec. 3. MEETINGS

The Village Board shall hold its regular meetings in the Village Hall on the first Thursday of each month at 7:00 p.m.

- a. The meeting place of the Board shall be at the Village Hall unless otherwise ordered by the Board.
- b. Special meetings may be called by the President of the Village or any three Trustees upon at least twenty-four (24) hours notice to all Members and the President; provided that if all of the Trustees are present at a special meeting no notice of the meeting shall be necessary and such notice shall be deemed waived.

Sec. 4. PRESIDENT

The Village President shall be the presiding officer of all regular and special meetings of the Village Board and at all times when the Board meets as committee of the whole.

Sec. 5. BUSINESS OF SPECIAL MEETINGS

No business shall be transacted at any special meeting except such as is mentioned in the notice calling the same. There can be no reconsideration of any former action of the said trustees at such special meeting, unless there shall be present at such special meeting as many members as were present when the original action was taken.

Sec. 6. QUORUM; COMPELLING ATTENDANCE

- a. A majority of the Board elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees.
- b. If any Trustee shall absent himself from any meeting of the same, or depart therefrom before adjournment of any meeting thereof, unless he be excused by the presiding officer or by the Trustees, he may be fined not to exceed ten dollars (\$10.00), and in case any Trustee shall, without good excuse, absent himself from the meeting continuously, for a period of more than three (3) months, the office shall be declared vacant and a successor shall be selected in accordance with state law.

Sec. 7. ORDER OF BUSINESS

The order of business of the Village Board of the Village of Downs shall be designated by the Village President.

Sec. 8. RULES OF ORDER

- a. The rules of procedure shall be invariably adhered to by the President and the Board of Trustees unless the same be temporarily suspended by unanimous consent.
- b. At the appointed hour the Board shall then proceed to the business before it which shall be conducted in accordance with the order of business.
- c. The President shall take the chair not later than ten minutes from the stated hour appointed for the Trustees to meet, and shall call the members to order; and he shall order the Clerk to call the roll of members.
- d. The President shall state and put to vote all questions which are regularly moved or which necessarily arise in the course of proceedings, and to announce the result of the vote.
- e. The President shall restrain all members when engaged in debating within the Rules or Order; he shall preserve order and decorum; he shall decide all points of order subject to an appeal by any member and may speak on points of order, in preference to other members.
- f. The President shall not vote on any question before the Trustees, except in the case of a tie, or when the vote is taken by secret ballot.
- g. No member shall speak more than twice upon any question and not longer than ten (10) minutes, at any one time, except by the consent of the Trustees.
- h. All Ordinances and alterations of grades and plats of surveys, after being presented to the Trustees and read, shall lie over one meeting before final action shall be taken thereon, except that by unanimous vote of the Trustees this rule is suspended and action taken at the same meeting.
- i. All petitions shall be in writing, and the same shall be filed with and kept by the Village Clerk.
- j. Any resolutions submitted to the Village Board shall be reduced to writing before being voted upon on request of any two members of the Board of Trustees.
- k. No person other than the President or a member of the Board of Trustees shall address the Village Board at any regular or special meeting except upon consent of a majority of the members present.
- l. The Village Board shall sit with open doors.
- m. Roberts' Rules of Order shall govern the proceedings of the Trustees in all cases where the same is not inconsistent or conflicting with the rules thereby adopted.

Sec. 9. YEAS AND NAYS, ETC.

The yeas and nays shall be taken on the passage of all ordinances, and on all propositions to create any liability against the Village, or for expenditures or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of proceedings; and the concurrence of a majority of all members elected in the Village Board shall be necessary to the passage of any such ordinance or proposition; provided it shall require three-fourths of all the Trustees elect to sell any Village property.

Sec. 10. ORDINANCES, ETC. PASSING OVER VETO

- a. All Ordinances passed by the Village Board shall, before they take effect, be deposited in the office of the Village Clerk, and if the President approves thereof, he shall sign the same and such as he shall not approve he shall return to the Village Board, with his objections thereto, in writing, at the next regular meeting of the Village Board. Such veto may extend to any one or more items or appropriations, contained in any Ordinance making an appropriation, or to the entire Ordinance, and in case the veto only extends to a part of such Ordinance, the residue thereof shall take effect and be in force, but in case the President fails to return any Ordinance with his objections thereto, by the time aforesaid, he shall be deemed to have approved such Ordinance and the same shall take effect accordingly.

- b. Upon the return of any Ordinance by the President, the vote by which the same was passed shall be reconsidered by the Village Board, and if after such reconsideration two-thirds of all the members elected to the Village Board shall agree by yeas and nays to pass the same, it shall go into effect, notwithstanding the President may refuse to approve thereof. The vote to pass the same over the President's veto shall be taken by yeas and nays and entered on the journal.

Sec. 11. COMMITTEES

- a. The following shall be recognized as standing committees of the Board:
 - 1. Public Works Committee;
 - 2. Parks and Youth Center Committee;
 - 3. Finance Committee;
 - 4. Streets, Alleys and Sidewalks Committee;
 - 5. Building Committee;
 - 6. Public Safety and Services Committee;
 - 7. Events Committee;
 - 8. Development Committee;
 - 9. Executive Committee

- b. In addition to the foregoing standing committees, the Board may create special committees, and appoint qualified persons to serve on special committees, from time to time as deemed necessary in the sole discretion of the Board. Any special committees created by the Board shall remain in existence until such time as the special committee's duties and obligations are satisfied; or until such time as the special committee is otherwise dissolved by motion of the Board.

- c. All standing and special committees, shall consist of a minimum of one (1) and a maximum of two (2) members of the Board, which members shall serve in addition to those qualified committee members appointed by the Board in accordance with the provisions of subparagraph (e) and (f) of this Section 11 of Article 1 of Chapter 2.

- d. That for purposes of this Section 11 of Article 1 of Chapter 2, all members of any standing or special committee shall meet the following minimum criteria:
 - a. Reside within the corporate limits of the Village of Downs or be otherwise deemed a constituent of the Board; and
 - b. Meet the minimum requirements to hold office and serve as an elected official in the Village.
- e. The Board shall solicit qualified applicants to be considered by the Board for service as members of any standing committee. An invitation seeking qualified candidates for appointment as a member of any standing committee shall be published in the Village Flyer in March and April of each year, or as soon thereafter as practical, when committee positions are vacant.
- f. The Board shall solicit qualified applicants to be considered by the Board for service as members of any special committee. An invitation seeking qualified candidates for appointment as a member of any special committee shall be published in the Village Flyer as soon as practical after a determination by the Board of the need for a special committee, or when committee positions are vacant or otherwise created as provided for herein.
- g. All qualified applicants shall submit a written request to the Village Clerk for consideration as a candidate for service as a member of any committee of the Board.
- h. The Board shall consider applications of qualified candidates to serve as members of any standing committee at the first meeting of the Board held in May of any year following a special or general election, or as soon thereafter as practical; and from time to time as necessary in the event of a vacancy of any position on any standing committee.
- i. The Board shall consider applications of qualified candidates to serve as members of any special committee at the next meeting of the Board after publication in the Village Flyer of the need for the creation and organization of a special committee, or as soon thereafter as practical; and from time to time as deemed necessary in the event of a vacancy of any position on any special committee.
- j. All Board member assignments required as provided in subparagraph (c) of Section 11 of Article 1 of this Chapter 2 shall be made by the Mayor at the first meeting of the Board held in May of any year following a special or general election, or as soon thereafter as practical.
- k. All standing committees will nominate and appoint a clerk of the committee at the first annual meeting of the committee to serve for a term of one (1) year, which term shall run in conjunction with the fiscal year of the Village.
- l. All special committees will nominate and appoint a clerk of the committee at the

first meeting of the committee to serve for the duration of that special committee's term of service to the Board.

- m. Each standing and special committee shall provide a written or oral report at each Village Board meeting.
- n. All standing and special committees shall conduct business in accordance with the applicable provisions of the Illinois Municipal Code and in accordance with the applicable provisions of the Open Meetings Act of Illinois and any other applicable ordinances of the Village.

Revised 06/06/13

Sec. 12. DISTURBING MEETINGS

It shall be unlawful for any person to disturb any meeting of the Village Board or of any committee thereof; any person violating the provisions of this section shall be subject to a fine at the discretion of the Village President.

Revised 04/03/03

Chapter 2

Article II. THE VILLAGE PRESIDENT

Sec. 1. ELECTION - TERM OF OFFICE

The Village President shall be elected for a term of four years and until his successor is elected and is qualified, he shall be President of the Board of Trustees as is provided by statute.

Sec. 2. DUTIES

He shall be the chief executive officer of the Village, and he shall perform all such duties as may be required of him by statute or Ordinance. He shall have supervision over all the executive officers of the Village, and over all of the employees of the Village. He shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time.

Sec. 3. DESIGNATION OF DUTIES

Whenever there is a question as to the respective powers or duties of any appointed officer of the Village, this shall be settled by the President; and he shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty. This power shall extend to the delegation of duties to trustees.

Sec. 4. BOND - OATH - SALARY

Before entering upon the duties of his office, the President shall give a bond in the amount as determined by the Village Board, with sureties to be approved by the Board of Trustees conditioned upon his faithful performance of his duties. He shall take the oath of office as prescribed by statute, and shall receive such compensation as may be set by the Board.

Sec. 5. PRESIDENT PRO-TEM

During the temporary absence or disability of the Village President, the President Pro-tem shall perform the duties pertaining to the office. The President Pro-Tem shall be appointed by the Village President.

Chapter 2

Article III. THE BOARD OF TRUSTEES

Sec. 1. ELECTION - FUNCTIONS

The Board of Trustees, consisting of six (6) members, shall be elected to office for a four (4) year term and until his successor has been elected and qualified, according to the method provided by statute. This Board shall be the legislative department of the Village government, and shall perform such duties and have such powers as may be delegated by statute to it.

Sec. 2. BOND - OATH - SALARY

Before entering upon the duties of his office, the Trustee shall give a bond in the amount as determined by the Village Board, with sureties to be approved by the Board of Trustees conditioned upon his faithful performance of his duties. He shall take the oath of office as prescribed by statute, and shall receive such compensation as may be set by the Board.

Chapter 2

Article IV. THE VILLAGE CLERK

Sec. 1. ELECTION - TERM

The Village Clerk shall be elected and serve for a four (4) year term and until a successor is elected and qualified as provided by statute, and shall receive such compensation as may be set from time to time by the Village Board.

Sec. 2. BOND - OATH - SALARY

Before entering upon the duties of his office, the Village Clerk shall give a bond in the amount as determined by the Village Board, with sureties to be approved by the Board of Trustees conditioned upon his faithful performance of his duties. He shall take the oath of office as prescribed by statute, and shall receive such compensation as may be set by the Board.

Sec. 3. DUTIES OF CLERK

- a. The Village Clerk shall issue notices to the members of the Village Board when directed by that body, to the members of the different committees of that body, and to all persons whose attendance will be required before any such committee when directed by the Chairman thereof, and shall also issue notices of special meetings.
- b. The Clerk shall, without delay, deliver to the officers of the corporation, and to all the committees of the Trustees, all resolutions, and communications, referred to those officers or committees of that body.
- c. Said Clerk shall be charged with, and shall exercise a supervision over all the offices of the Village in so far as the receipt, collection, or disbursement of the Village revenues and the collection and return of such revenues into the Village treasury is concerned. The Clerk shall be the fiscal agent of the Village and as such, shall have charge of all deeds, mortgages, contracts, leases, warrants, vouchers, bonds, books, and papers of any kind, the custody and control of which is not herein given to any other officer. The Clerk shall have supervision over the Village debts, contracts, bonds, obligations, loans, and liabilities; the payment of interest and over all the property of the Village, and generally, in subordination to the President and Trustee to exercise supervision over all such interests of said Village as, in any manner, may concern or relate to the Village finances, revenues, and property.

Sec. 4. KEEPS RECORDS

Said Clerk shall, under the direction of the President and Trustees, open and keep in a clear and methodical manner, a complete set of books, wherein shall be stated, among other things, the appropriation for the year for each distinct object and branch of expenditure, and also, the receipts from every source of revenue, so far as can be ascertained. Said books and all papers, vouchers, bonds, contracts, receipts, and other things kept in his office shall be subject to the examination of the President, the Board of Trustees or any committee thereof. Records must be maintained in the Village Hall unless otherwise approved on a bi-annual basis.

Sec. 5. AUDIT CLAIMS

The Village Clerk shall audit all bills and claims against the Village of Downs as provided in Section 2 of Chapter 3 hereof.

Sec. 6. RECORD OF VILLAGE WARRANTS

The Village Clerk shall keep in a suitable book, an accurate list of all warrants drawn upon the Village treasury, as provided in Section 3 of Chapter 3 hereof.

Sec. 7. CLERK'S ACCOUNTS; RECORDS

The Village Clerk shall keep a detailed account of the Village revenues, and of each separate fund, crediting the same with all receipts or appropriations, and charging it with all warrants drawn thereon, and he shall charge each warrant to the fund or appropriation against which it is drawn, all as provided in Section 4 of Chapter 3 hereof.

Sec. 8. PUBLIC IMPROVEMENTS CONTRACTS

The Village Clerk shall keep in the office a correct list of all public improvements ordered by the Trustees, and let under contract by the Trustees, and all specifications therefore made by authority of the Trustees, or by an officer of the corporation pursuant thereto in relation to such improvements, shall be filed in the Clerk's Office.

Sec. 9. LICENSES REGISTER

All licenses, when issued, shall be countersigned by the said Village Clerk, and they shall be entered without fee, in a book to be kept by him for that purpose, the name of each person licensed: the date and number of license, the amount paid for the same, and the time of the expiration thereof.

Sec. 10. STATEMENTS OF MONEYS

The Village Clerk shall require all officers charged in any manner with the receipt, collection or disbursement of Village revenues, etc., to make regular statements as provided in Section 5 of Chapter 3 hereof.

Sec. 11. ESTIMATES OF ANNUAL APPROPRIATIONS

The Village Clerk shall, on or before the fifteenth (15) day in May of each year, and before the annual appropriations are made by the Trustees, submit to said Trustees estimates of moneys necessary to defray the expenses of the corporation, during the current fiscal year, all as provided in Section 6 of Chapter 3 hereof.

Sec. 12. SIGNATURES

The Village Clerk shall seal and attest all contracts of the Village and all licenses, permits and such other documents as shall require this formality.

Sec. 13. MONEY COLLECTED

The Clerk shall turn over all money received on behalf of the Village, to the Village Treasurer promptly upon receipt of the same; and with such money shall be given a statement as to the source thereof to the Village Board on the first Thursday of each month.

Sec. 14. ACCOUNTS

The Clerk shall keep accounts showing all money received by him and the source and disposition thereof; and such other accounts as may be required by statute or Ordinance.

Sec. 15. RECORDS

In addition to the record of Ordinances and other records which the Clerk is required by statute to keep, a register of all licenses and permits issued; and the payments thereon; a record showing all of the officers and regular employees of the Village; and such other records as may be required by the Village Board shall be kept by the Clerk.

Sec. 16. SEAL

The Clerk shall be the custodian of the Village Seal, and shall affix its impression on documents whenever this is required.

Sec. 17. DOCUMENTS

The Clerk shall be the custodian of all documents belonging to the Village which are not assigned to the custody of some other officer.

Sec. 18. INDICES

The Clerk shall keep and maintain a proper index to all documents and records kept by him, so that ready access thereto and use thereof may be had.

Sec. 19. FREEDOM OF INFORMATION OFFICER

The Village Clerk is hereby appointed to the Office of Freedom of Information Officer. The duties of said Officer shall be to reply to all public and employee requests for records and information and to comply with all necessary and applicable provisions of the Freedom of Information Act.

Sec. 20. ADDITIONAL DUTIES

In addition to the duties herein provided, the Clerk shall perform such other duties and functions as may be required by statute or Ordinance.

Sec. 21. VACANCIES

In case the office of Village Clerk shall become vacant for any reason, the President and Board of Trustees shall appoint a successor as provided by statute.

Sec. 22. EXPIRATION OF OFFICE

Upon the expiration of the term of office or resignation, thereof, or removal therefrom, the Clerk shall deliver to the successor in office, all property, books, records, papers and effects of every description in his possession, belonging to the Village or pertaining to his office.

Sec. 23. CORRESPONDENCE

All correspondence for the Village Clerk shall be mailed to the Village. The Clerk shall not receive Village mail in his/her own personal mail.

Sec. 24. FINE RECORDS

The Clerk shall keep a listing of all fines levied each year from January 1 - December 31.

Chapter 2

Article V. THE VILLAGE TREASURER

Sec. 1. APPOINTMENT OF VILLAGE TREASURER

There shall annually be appointed by the President and Board of Trustees of the Village of Downs on the first Thursday in August or as soon thereafter as possible, a Village Treasurer, who shall hold his office one (1) year or until their successor is appointed and qualifies.

Sec. 2. BOND

The Treasurer shall give a bond, before entering upon the duties of the office, in the sum required by the Board of Trustees, but the amount shall not be less than that required by statute. This bond shall be conditioned upon the faithful performance of the duties by the Treasurer, and shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the Treasurer.

Sec. 3. GENERAL DUTIES

The Treasurer shall perform such duties as may be prescribed by statute or Ordinance. The Treasurer shall receive all money paid into the Village whether directly from the person paying the money or from the hands of such other officer or employee as may receive it, and he shall pay out money only on vouchers or orders properly signed by the Clerk.

Sec. 4. DUTIES

The Treasurer shall render at the end of each and every month, and more often if required, by the Village Board, a statement showing the state of the treasury at the date of such account and the balance of the money in the treasury.

Sec. 5. DEPOSIT OF FUNDS

The Treasurer shall deposit the Village funds in such depository as may be selected from time to time as provided by law; and he shall keep the deposit of the Village money separate and distinct from their own money, and shall not make private or personal use of any Village money.

Sec. 6. RECORDS

The Treasurer shall keep records showing all money received, showing the source from which it is received and the purpose for which it is paid, and shall keep records at all times showing the financial status of the Village. Records must be maintained in the Village Hall unless otherwise approved on a bi-annual basis.

Sec. 7. BOOKS OF ACCOUNT

Said Treasurer shall cause to be kept books of account in such manner as to show with entire accuracy all moneys received, from whom received, and on what account, and of all moneys paid out, and to whom and on what account they shall have been paid; and in such manner that said books may be readily understood and investigated; which books and all papers and files of said office shall be at all times open to the examination of the Clerk or any of the Trustees. All Books of Account shall be kept in the Village Hall.

Sec. 8. SPECIAL ASSESSMENT FUND

All moneys received on any special assessment shall be held by the Treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued therefore, together with interest thereon, for which the assessment was made, and said money shall be used for no other propose, unless to reimburse the Village for money expended for such improvements. Payment on bonds or vouchers shall be made in accordance with the statutes and the law and the Treasurer shall keep the books and accounts in such a manner so that proper prorations in payments of principal and interest can be made and ascertained.

Sec. 9. WARRANTS - TRANSFER OF FUNDS

All warrants drawn on the Treasurer must be signed by the Clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid except as may be provided by statute. Money shall not be transferred by the Treasurer from one fund to another, after it has been received by him, nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the President and Board of Trustees in manner and for prescribed by statute.

Sec. 10. ANNUAL REPORT

Said Treasurer shall, annually between the first and tenth day of June, in each year, make out and file with the Clerk, a full and detailed report of all receipts and expenditures, of the corporation, as shown by his books, and all transactions as such Treasurer during the preceding fiscal year, and shall, in such report, show the state of the Village finances at the close of the fiscal year which report the Clerk shall cause to be published without delay.

Sec. 11. CORRESPONDENCE

All correspondence for the Village Treasurer shall be mailed to the Village. The Treasurer shall not receive Village mail in his/her own personal mail.

Chapter 2

Article VI. OFFICERS AND EMPLOYEES

Sec. 1. EFFECT

The provisions of this article shall apply alike to all officer and employees of the Village, regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee.

Sec. 2. APPOINTMENTS

All officers and all employees other than elective officers, shall be appointed by the President and Board of Trustees, as provided by statute.

Sec. 3. TERM OF OFFICE - VACANCIES

Every appointive officer of the Village shall hold office until the first day of May following his appointment or until his successor is appointed and qualified, unless it is otherwise provided by Ordinance. In case of a vacancy in any such place, it shall be filled in the same manner in which appointments or selections are made, in the absence of provisions to the contrary.

Sec. 4. MONEYS RECEIVED

Every officer and employee of the Village shall, at least once each month, turn over all money received by him in his official capacity, to the Treasurer with a statement showing the source from which the same was received.

Sec. 5. OATH

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

Sec. 6. SALARIES

All officers and employees of the Village, shall receive such salary as may be from time to time provided by ordinance or resolution.

Sec. 7. ASSIGNMENT OF DUTIES

The Board of Trustees shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer; and shall determine disputes or questions relating to the respective powers or duties of officers.

Sec. 8. RECORDS

All records kept by any officer of the Village, shall be open to inspection by the President or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

Sec. 9. BOND

Every officer and employee, shall if required by the Board of Trustees, upon entering upon the duties of his officer, give a bond in such amount and with such sureties as may be determined by the said Board, conditioned upon the faithful performance of the duties of his officer or position.

Sec. 10. ARRESTS

The Village President, members of the Board of Trustees, as well as every member of the police department, are hereby declared to be conservators of the peace with such powers to make arrests as are given to conservators of the peace by statute.

Sec. 11. TERMINATION OF OFFICE

Every officer and employee of the Village, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the Village, and if no successor has been appointed within one week after the termination of office such property shall be delivered to the Village Clerk or Village Treasurer.

Sec. 12. IMPERSONATION

It shall be unlawful for any person to impersonate without lawful authority, any Village officer or employee. Any person violating this section shall be fined as designated in accordance to Chapter 1, Article 1, Section 3D.

Sec. 13. INTERFERENCE WITH OFFICERS

It shall be unlawful to interfere with or hinder any officer or employee of the Village while engaged in the duties of his office or employment. Any person, firm, or corporation violating any provision of this section shall be fined as designated in accordance to Chapter 1, Article 1, Section 3D.

Sec. 14 HOURLY EMPLOYEES

- a. Employee shall be defined as all individuals who work for the Village of Downs and receive compensation based on an hourly rate.
- b. Employees paid on an hourly basis shall be required to document time and tasks completed on a time sheet-log. Such a time sheet-log will be provided and approved by the Village of Downs Board of Trustees.
- c. For each five (5) hour increment of consecutive work, The Village of Downs requires that a 30 minute break be taken by the employee. The Village of Downs will pay the hourly rate to the employee for the 30 minute break period. Break periods must be recorded on his/her time sheets-logs to qualify for compensation.
- d. It is the responsibility of the employee to provide copies of the time sheets-logs to the designated Village of Downs Representative(s), at a time or date due specified by the Village of Downs Board of Trustees. The time or date due for time sheets-logs, shall contemplate sufficient time for the Village of Downs Clerk and Treasurer to generate payroll.
- e. Failure to provide required time sheets-logs by the time or date due may result

in the employee not receiving wages until the next payroll cycle, provided all time sheets-logs have been provided by the next payroll cycle. When authorized by the Village of Downs Board of Trustees, the employee may send hourly time sheets-logs via e-mail to the designated Village Representative. Extenuating circumstances, as deemed applicable by the Village of Downs Board of Trustees shall not prohibit the employee from receiving wages earned in any given payment period.

- f. The Village of Downs will pay each employee's hourly rate for the copying of time sheets-logs as required by the Village of Downs Board of Trustees. The time required to make copies of time sheets-logs must be listed on time sheets-logs to qualify for hourly compensation.

Approved 2004

Chapter 2

Article VII. OTHER REGULATIONS

Sec. 1. CORPORATE SEAL

The Corporate Seal of the Village shall be as follows: A circular disc with the words, "Village of Downs" inscribed therein.

Sec. 2. FISCAL YEAR

The fiscal year for the Village shall begin on the first day of May each year and end on the last day of April of the following year.

Sec. 3. INJURY TO PUBLIC PROPERTY

It shall be unlawful for anyone to injure, deface, or interfere with any property belonging to the Village without proper authority from the Village Board. Any person violating the provisions of this section shall be fined fifty dollars (\$50.00) for each offense.

Sec. 4. ELECTIONS

Elections for Municipal Offices shall be held as provided by statute, and at the time prescribed by statute.

Sec. 5. SURETY BONDS

- a. Whenever a surety bond to indemnify the Village is required, as a pre-requisite to exercising the duties of any office or position, or to the issuance of a license or permit or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in this State as a Surety Company, in the absence of specific provision to the contrary by ordinance.
- b. Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss or liability because of the insolvency of the existing surety or for any other reason, the Village may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his assignee, the Board shall declare the bond to be void, and thereupon such principal or assignee shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

Sec. 6. OFFICIAL TIME

- a. Central Standard Time shall be the official time for the transaction of the Village business; except as may be modified by statute of the State of Illinois made and provided.
- b. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the Village, shall be set and run at the official time prescribed by this section.

Sec. 7. STATE GIFT BAN ACT

Provisions as follows:

Sec. A-101. Adoption of Act.

- (a) The State Gift Ban Act (5 ILCS 425 et seq.) is hereby adopted a required by Section 83 of the Act (5 ILCS 425/83).
- (b) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the Village. All non-salaried appointed or elected officials are exempted from the Act and the provisions.

Sec. A-102. Ethics Officer.

To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the President shall appoint an individual to serve as the “ethics officer” of the Village. The ethics officer’s duties shall be provided in Section 35.

Sec. A-103. Local Ethics Commission: Complaints.

- (a) To the extent authorized by law and to the extent required by the Act, the Mayor shall appoint ___ persons to a Local Ethics Commission with the advice and consent of the Board of Trustees.
- (b) The Local Ethics Commission shall have the power and duties set forth in Section 55 of the Act.
- (c) To the extent that any of its provisions may be applicable, Section 45 of the Act shall be applicable to the Local Ethics Commission.
- (d) The complaint procedure and the enforcement and penalty provisions of the Act shall be as are provided in Section 60, 65, and 70 of the Act.

Sec. A-104. Future Amendments to State Gift Ban Act.

Any amendment to the State Gift Ban Act (5 ILCS 425.1 et.seq.) that becomes effective after this shall be incorporated by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated by reference without formal action by the corporate authorities of the Village.

Sec. A-105. Future Declaration of Unconstitutionality of State Gift Ban Act.

- a. If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et.seq.) unconstitutional in its entirety, then this shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This shall be deemed repealed without further action by the corporation authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.
- b. If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et.seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted shall remain in full force and effect; however, that part of this relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

Sec. A-106. STATE OFFICIALS AND EMPLOYEES ETHIC ACT:

- A. The regulations of Sections 5-15 (5 ILCS 430-5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5.
- B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.
- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act is hereby prohibited.
- D. The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.
- E. For purposes of this Section, the terms "officer" and "Employee" shall be defined as set forth in 5 ILCS 430/70-5©.
- F. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- G. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- H. Any amendment to the Act that becomes effective after the

effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village.

- I. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or re-hearings. This section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.
- J. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

Approved May 6, 2004