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Chapter 2.04

CITY COUNCIL

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Article I. General Provisions

Section 2.04.010 Organization and powers.

The Council shall consist of the Mayor and four Councilmembers, elected at large from the City of Olney, Illinois for four-year terms in accordance with Chapter 65, Section 5/5-2-1, et seq., Illinois Compiled Statutes. The inauguration of the newly elected Mayor and Councilmembers of the City shall be on the first day of May following the election or as soon thereafter as is reasonably possible, but in no

event later than the first regular or special meeting of the City Council in the month of May following the election. The Council shall be the legislative body of the City and its powers shall be purely legislative except as may otherwise be provided by law. (Ord. 98-153 § 1: Ord. 73-18 § 2-1 1)

Section 2.04.020 Duties.

It is the duty of the Council to pass all ordinances needed for the welfare of the City. It is also the duty of the Council to provide for such offices as shall be necessary to fully govern the City. The Council selects the City Manager who is responsible for the efficient administration of the business of the City. The City Manager holds his or her office at the pleasure of the Council. He or she shall be chosen solely and chiefly for his or her administrative ability. The position shall not be limited to residential qualifications. The powers of the Council, including the Mayor, are purely legislative, except as otherwise provided in this chapter for the office of the Mayor. (Ord. 73-18 § 2-1 9)

Section 2.04.030 Oath.

The Mayor and Councilmembers shall take an oath of office. (Ord. 73-18 § 2-1 4)

Section 2.04.040 Vacancies.

Vacancies among members of the Council shall be filled in the manner provided by law. (Ord. 73-18 § 2-1 2)

Section 2.04.050 Compensation.

A. Effective May 1, 2001, the Mayor of the City of Olney shall receive, as compensation for the performance of the duties of said office, an annual salary of Ten Thousand Dollars (\$10,000.00), payable biweekly.

B. Effective May 1, 2001, newly elected Councilmembers of the City of Olney shall receive, as compensation for the performance of the duties of said office, an annual salary of Five Thousand Dollars (\$5,000.00), payable biweekly.

C. The annual compensation of the Mayor or any Councilmembers shall be fixed by ordinance at least one hundred eighty (180) days before the beginning of the terms of the Mayor and Councilmembers whose compensation is to be fixed and said compensation shall not be changed during the term for which the Mayor or Councilmember is elected. (Ord. 00-29, Sec. 1: Ord. 98-153 § 2: Ord. 73-18 § 2-1 3)

Section 2.04.060 Dates of council meetings--Location.

A. The regular meetings of the City Council of the City of Olney shall be held on the second and fourth Monday of each month.

B. The meetings shall be held in the council room of the City Hall. (Ord. 81-30 (part): prior code § 2.01)

Section 2.04.070 Time of meetings--Exception.

Said regular meetings shall be held at the hour of seven p.m. (7:00 p.m.) However, an exception can be made by announcement of the Mayor of the City at least forty-eight (48) hours in advance of said meeting and by notice to all of the then-serving City Councilmembers that the time of the meeting is being moved up to accommodate an exceptionally long agenda or for an other purpose deemed appropriate by the Mayor. (Ord. 13-19 § 1: Ord. 98-153 § 5: Ord. 96-36 § 1: Ord. 95-59 § 1: Ord. 81-30 (part): prior code § 2.02)

Section 2.04.080 Special meetings.

Special meetings may be called from time to time by the Mayor or by two City Councilmembers upon forty-eight (48) hour notice to every member of the Council and forty-eight (48) hour notice to all local

newspapers and radio stations and television stations covering the City Council meetings and having provided the City Clerk with notice of their desire to be informed of all City Council meetings. The requirement of notice to City Councilmembers shall not be binding in any special meeting at which all of the members of the City Council are present. All meetings of the City Council, whether regular or special, shall be open to the public. The City Council may, for appropriate purposes, adjourn the meeting into executive session. Any regular or special meeting may be adjourned to a day certain by vote of the majority of the Councilmembers attending the City Council meeting, provided that a quorum is present and the adjournment to a day certain complies with the state Open Meetings Act. (Ord. 98-153 § 6: Ord. 81-30 (part): prior code § 2.03)

Section 2.04.090 Presiding officer.

The Mayor shall preside at all regular and special meetings of the Council; provided, that in the absence of the Mayor, the Mayor pro-tem shall be the Presiding Officer. (Ord. 73-18 § 2-1 6)

Section 2.04.100 Order of business.

A. The following rules shall govern proceedings of the Council. A quorum being present, the Council shall proceed to transact the business before it in the following manner, unless the same be temporarily suspended by the presiding officer:

1. Call to order;
2. Pledge of Allegiance to the Flag;
3. Roll call of members;
4. Presentation of consent agenda;
5. Removal of items from consent agenda;
6. Consideration of consent agenda;
7. Consideration of items removed from consent agenda;
8. Public comments / presentations;
9. Presentation of ordinances, resolutions, etc.;
10. Reports from elected and appointed officials;
11. Closed session;
12. Reconvene open session;
13. Action on closed session
14. Adjournment.

B. Consent agenda. The City Manager, or in his absence the City Clerk, in preparing the agenda for City Council meetings, may include regular, recurring, or routine matters under the heading "Consent Agenda." No item requiring more than a simple majority vote shall be placed on a consent agenda. In the City Manager's report distributed with the agenda, the City Manager shall recommend a specific action with respect to each item on the consent agenda. Any member of the City Council may remove any number of items from the consent agenda by making such a request at the City Council meeting. Upon such a request, the item shall be removed from the consent agenda and shall be considered, debated and voted upon during consideration of items listed as "consideration of items removed from consent agenda." The action recommended by the City Manager with respect to all items remaining on the consent agenda may be taken by a single motion made, seconded and adopted by roll call vote of those members present. In the minutes of the meeting, the City Clerk shall record the action taken for each item acted upon as a part of the consent agenda, and enter the words "consent agenda" in lieu of entering the names of the members of the City Council voting "yea" and of those voting "nay." The taking of such single or consent vote and such entries of the words "consent agenda" in the minutes shall for all intents and purposes and with the like effect be as if the vote in each case had been taken separately by yeas and nays and separately recorded in the journal. (Ord. 12-27 § 1: Ord. 09-19 § 1: Ord. 98-153 § 3: Ord. 73-46: Ord. 73-18 § 2-1 7)

Section 2.04.110 Posting of meeting minutes.

The City Clerk of the City of Olney shall post or cause to be posted copies of the minutes of each City Council meeting at various public places in the City, including City Hall and any other public buildings, financial institutions, or other businesses which grant consent to the posting of said minutes. (Ord. 90-6 § 1)

Section 2.04.120 Prohibiting interferences.

Except for the purpose of inquiry by either a Council member or an employee of the City, the Council and its members shall deal with the administrative officers and service solely through the City Manager, and neither the Council nor any members thereof, including the Mayor, shall give orders to the subordinates of the City Manager either publicly or privately. (Ord. 87-33 § 1: Ord. 73-18 § 2-1 10)

Section 2.04.130 Chief executive of city.

The Mayor shall be the chief executive officer of the City, and as such shall familiarize himself or herself with and keep himself or herself informed as to all matters affecting the government of the City. (Ord. 73-18 § 2-1 11)

Section 2.04.140 Reports to council.

The Mayor shall, from time to time, report to the Council on all matters, not otherwise brought to the attention of the Council, as require consideration of the Council. (Ord. 73-18 § 2-1 12)

Section 2.04.150 Appointments.

With the advice and consent of the Council, the Mayor shall appoint the following:

- A. The City Clerk;
- B. The City Attorney for a term as provided by law;
- C. The City Treasurer for a term as provided by law;
- D. The Plan and Zoning Commission;
- E. The Zoning Board of Appeals;
- F. The Olney Public Library Board of Directors;
- G. The Fire and Police Commissioners;
- H. Two members of the Police Pension Board;
- I. The Board of Directors for the Band Board;
- J. Board of Civil Defense;
- K. Cemetery Board;
- L. Board of Local Improvements. (Ord. 73-18 § 2-1 13 (part))

Section 2.04.160 Terms of appointments.

The terms of all members of the above special boards, committees and commissions shall commence the first day of June the year of appointment and terminate the 31st day of May of the year of expiration; provided, however, that members whose terms have expired shall continue to hold such office and continue to serve until their successors have been duly appointed and qualified. Unless otherwise ordered by the Council, the Mayor shall appoint members of all committees and commissions authorized by the Council. (Ord. 73-18 § 2-1 13 (part))

Section 2.04.170 Mayor pro-tem.

The Mayor pro-tem shall be selected by the Council from among its members at the first regular meeting in May of each year. When the Mayor is absent from the City or is unable to discharge his or her duties, the Mayor pro-tem shall have full power and authority to discharge all such duties. (Ord. 73-18 § 2-1 14)

Article II. Decorum at City Council Meetings

Section 2.04.180 Short title.

This article shall be known as the City Council decorum ordinance. (Ord. 79-47 § 1)

Section 2.04.190 Purpose.

The City Council of the City of Olney recognizes that in order to enhance the concept of effective and democratic government, it is essential that a legislative body be given the power to preserve order and decorum during legislative meetings, so that the true deliberative process will not be disturbed. For this purpose, the following City Council decorum ordinance is adopted. (Ord. 79-47 § 2)

Section 2.04.200 Definitions.

As used in this article:

"Resident" means any person having a domicile or place of business within the City of Olney, or who is a taxpayer thereof.

"Clerk" means the Clerk of the City Council. (Ord. 79-47 § 4)

Section 2.04.210 Power of Presiding Officer.

The Presiding Officer shall be the Mayor, or in his or her absence the Mayor pro-tem, and such Presiding Officer shall have the power to preserve strict order and decorum at all meetings of the Council. (Ord. 79-47 § 5)

Section 2.04.220 Presentation to the Council.

A. Notice. The Clerk shall publish an agenda containing all business to be discussed at the next regular meeting of the City Council at least forty-eight (48) hours prior to the meeting.

B. Preparation of Agenda. The Clerk shall prepare the agenda. On the agenda shall be listed each item to be brought up at the meeting for discussion or action. Matters shall be placed on the agenda at the request of any member of the City Council, the City Manager, or any member of the City staff. Matters pertinent to the governing of the City shall be placed on the agenda at the request of any member of the public intending to appear at the City Council meeting to present any matter if such is approved by a majority of the City Council. The Presiding Officer may, at his or her option, permit any other person present at a City Council meeting to speak and may provide a period during the meeting which will be open to comments by any person present on matters pertinent to the governing of the City.

C. Requests to Address Council. Written requests to address the Council shall be submitted no later than 12 Noon on the Friday prior to the meeting. The Clerk shall place the names of those addressing the Council on the agenda if the request to address the Council is approved by a majority of the City Council. If time permits, persons whose names do not appear on the agenda will be permitted to speak at the discretion of the Presiding Officer.

D. Reading of Protests, etc. Upon complying with the provisions of this section, interested persons may, at their discretion, address the Council by reading of protests, petitions or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration.

E. Written Communication. All interested parties or their authorized representatives may address the Council by written communication regarding matters under the Council's consideration. (Ord. 03-32, Sec. 1: Ord. 02-27, Sec. 1: Ord. 98-153 §4; Ord. 79-47 § 6)

Section 2.04.230 Decorum.

A. Recognition by Presiding Officer. No person shall address the Council without first being

recognized by the Presiding Officer.

B. Procedure. Each person addressing the Council shall step up to the microphone provided for the use by the public and give his or her name and address in an audible tone of voice for the record, state the subject he or she wishes to discuss, state whom he or she is representing if he or she represents an organization or other person, and unless further time is granted by majority vote of the Council, shall limit his or her remarks to five minutes. All remarks shall be addressed to the Council as a whole and not to any member thereof. Following his or her remarks, the Council may, in its discretion, ask questions and discuss the subject with the person having the floor. No person other than members of the Council, members of the City staff, and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question may be asked a Councilmember or a member of the City staff without the permission of the Presiding Officer.

C. Spokesman for Group of Persons. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council.

D. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the City Council. (Ord. 03-32, Sec. 2: Ord. 02-27, Sec. 2: Ord. 79-47 § 7)

Section 2.04.240 Rules of decorum.

A. Councilmembers. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Presiding Officer. Members of the Council shall not leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

B. Employees. Members of the City staff and employees shall observe the same rules of order and decorum as are applicable to the City Council, with the exception that members of the City staff may leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

C. Persons Addressing the Council. Any person making personal, impertinent, slanderous or profane remarks or who wilfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceeding, shall be called to order by the Presiding Officer and, if such conduct continues, may at the discretion of the Presiding Officer be ordered barred from further audience before the Council during that meeting.

D. Members of the Audience. No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the speech and good order of the meeting.

E. Persons Authorized to be behind Council Tables. No person except members of the Council and the City staff shall be permitted behind the Council tables without the consent of the Presiding Officer. (Ord. 79-47 § 8)

Section 2.04.250 Enforcement of decorum.

A. Warning. All persons shall, at the request of the Presiding Officer, be silent. If, after receiving a warning from the Presiding Officer, a person persists in disturbing the meeting, said Officer may order the person to remove himself or herself from the meeting. If the person does not remove himself or herself, the Presiding Officer may order the Sergeant-at-Arms to remove the person.

B. Removal. The Chief of Police, or such member or members of the Police Department as the

Presiding Officer may designate, shall be Sergeant-at-Arms of the Council meetings. He, she or they shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the Council.

C. Resisting Removal. Any person who resists removal by the Sergeant-at-Arms shall be charged with disorderly conduct.

D. Motions to Enforce. Any Councilmember may move to require the Presiding Officer to enforce these rules and the affirmative vote of a majority of the Council shall require him or her to do so.

E. Adjournment. In the event that any meeting is wilfully disturbed by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned and the remaining business considered at the next regular meeting.

F. Special Meeting. If the matter being addressed prior to adjournment is of such a nature as to demand immediate attention, the Presiding Officer (or other authorized person(s)) may call a special meeting and assess the cost of that meeting to the disrupting parties if those parties are identifiable. (Ord. 79-47 § 9)

Section 2.04.260 Cameras and recording devices.

A. Use of Cameras and Recording Devices Limited. Cameras, including television and motion picture cameras, electronic sound recording devices and any other mechanical, electrical or electronic recording devices may be used in the public section of the Council Chamber, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Council. No such recording devices may be used on the floor of the Council while the Council is in session except by special permission from the Presiding Officer.

B. Supplemental Lighting. Supplemental lighting for television and motion picture cameras shall be used only with the exercise of extreme discretion with regard to the intensity and duration of such lighting and with a view to creating the least amount of interference with or disturbance of the proceedings of the Council and the least amount of discomfort to members of the public in attendance.

C. The Presiding Officer shall have the authority to determine whether the intensity and/or duration of supplemental lighting is such that it disturbs the proceedings of the Council and upon making such a determination require that the use of such lighting be discontinued. (Ord. 79-47 § 10)

Article III. Electronic Attendance at Meetings Rule

Section 2.04.300 Rules statement.

It is the decision of the City of Olney that any member of the City Council may attend any open or closed meeting of the City Council via electronic means (such as telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws. (Ord. 2013-18 § 3)

Section 2.04.310 Prerequisites.

A member of the City Council may attend a meeting electronically if the member meets the following conditions: A quorum is physically present throughout the meeting; and a majority of the City Council votes to approve the electronic attendance at the meeting.

A. The member should notify the City Clerk at least three (3) days before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the

necessary technical arrangements will result in denial of a request for electronic attendance.

B. The member must assert one of the following three reasons why he or she is unable to physically attend the meeting.

1. The member cannot attend because of personal illness or disability; or

2. The member cannot attend because of employment purposes or the business of the City of Olney;

or

3. The member cannot attend because of a family or other emergency.

C. The City Clerk, after receiving the electronic attendance request, shall inform the City Council of the request for electronic attendance. (Ord. 2013-18 § 3)

Section 2.04.320 Voting procedures.

After a roll call establishing that a quorum is physically present, the presiding officer at the meeting site shall call for a motion that a member may be permitted to attend the meeting electronically after specifying the reason entitling the absent member to attend electronically. The motion must be approved by a vote of a majority of the City Council. (Ord. 2013-18 § 3)

Section 2.04.330 Adequate equipment required.

The member participating electronically and other members of the City Council must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the City Council shall provide equipment adequate to accomplish this objective at the meeting site. (2013-18 § 3)

Section 2.04.340 Minutes.

Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means. (2013-18 § 3)

Section 2.04.350 Rights of Remote Member.

A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the City Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave the meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning. (2013-18 § 3)

Chapter 2.08

CITY MANAGER

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Section 2.08.010 Appointment, oath, and bond.

The City Manager shall be the chief administrative officer of the City. The Manager shall be appointed by the Council for an indefinite term as provided by law. Before taking office the City Manager shall take the oath of affirmation required of City officers and shall give a good and sufficient surety company bond, duly approved as to form by the City Attorney, in the amount of ten thousand dollars (\$10,000.00), and conditioned upon the faithful performance and discharge of his or her duties. Such bond shall be filed with the City Clerk after being approved by the Council.

The Manager shall be appointed without regard to his or her political belief and he or she need not be a resident of the City of Olney, Illinois, at the time of appointment. (Ord. 73-18 § 3-1 1)

Section 2.08.020 Location of office.

The office of the Manager shall be in the City Hall. (Ord. 73-18 § 3-1 15)

Section 2.08.030 Absence.

In the event the Manager shall be absent from the City, or incapacitated from performing the duties of his or her position, the Council may designate a qualified administrative officer of the municipality to perform the duties of the Manager during such absence or disability. (Ord. 73-18 § 3-1 16)

Section 2.08.040 General duties.

The manager shall have and exercise all powers and duties assigned to him or her by statute and such other authority as may be granted by the Council. The Manager shall be responsible for the efficient administration of all departments of the City. He or she shall be charged with the enforcement of all laws and ordinances within the City, insofar as their enforcement is within the powers of the City. The manager shall attend all regular meetings of the City Council; shall keep the Council informed as to the

affairs of the City; shall recommend to the Council such action as may be necessary or expedient for the welfare of the City; and shall have the privilege of taking part in discussions of City matters, but shall have no right to vote. (Ord. 73-18 § 3-1 2)

Section 2.08.050 Officers and departments.

The Manager shall appoint and remove all directors of departments and all appointive officers of the City, except where such appointment and removal is otherwise provided by law; and he or she shall report to the Mayor and Council all appointments and removals by him or her as soon as practicable after such appointment or removal. No appointment shall be made upon any basis other than that of merit and fitness and no removal shall be made except for cause. (Ord. 73-18 § 3-1 3)

Section 2.08.060 Employees.

A. The Manager shall hire and discharge all employees (other than those under Civil Service or other tenure of office laws) authorized by the Council to be hired, at such compensation as may be provided by the Council. All employees shall perform their duties subject to the direction of the Manager or to the direction of the head of department supervising the work of such employee.

B. Part-time employees shall be residents and/or real estate taxpayers of the City if at all possible. The following applicants for part-time employment shall be given preference in the following order in the filling of part-time vacancies if otherwise qualified:

1. Applicant residing inside the City.
2. Applicant who owns real estate inside the City or whose parents (if the applicant resides with his or her parents) own real estate inside the City.
3. Applicant who worked as a part-time employee for the City in the previous fiscal year.

Any part-time employee who has worked three (3) consecutive years for the City shall be exempt from the provisions of this paragraph. (Ord. 08-16 § 1: Ord. 73-18 § 3-1 4)

Section 2.08.065 Hiring of Relatives

A. The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

B. It shall be the policy of the City not to employ relatives of elected officials of the City of Olney.

C. Effective August 25, 2009, no person shall be employed, promoted, or transferred when as a result he or she would be supervising or receiving supervision from a relative. In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

D. If the relative relationship is established after employment, the individuals concerned may decide who is to be transferred or resign. If that decision is not made within 30 calendar days, management will decide.

E. This Section does not apply to the employment of part-time employees at the swimming pool and paid-on-call firefighters.

F. For purposes of this Section, relative means an individual's spouse, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, first cousin, nephew, niece, step-children, and in-laws. It also includes other relatives who reside permanently with the employee. (Ord. 09-17 § 1)

Section 2.08.070 Departments and divisions.

The Manager shall exercise control of all departments and divisions of the City created and authorized by the Council; and the director of each department shall be subordinate and responsible to the Manager. (Ord. 73-18 § 3-1 5)

Section 2.08.080 Contracts.

The Manager shall examine on behalf of the City all proposed contracts, agreements, proposals, leases and other instruments to which the City may be a party, except as hereinafter provided in Section 2.08.090, and may sign on behalf of the City any contract authorized by the City Council, excepting where the Council directs that some other officer or officers shall do so. It shall be the duty of the Manager to see that all terms of any contract or agreement to which the City is a party are fully performed by all parties thereto. (Ord. 73-18 § 3-1 6)

Section 2.08.090 Purchases.

The Manager shall be general purchasing agent for the City. The Manager shall supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of City service for amounts up to and including ten thousand dollars (\$10,000.00); receive sealed bids for purchases or contracts in excess of ten thousand dollars (\$10,000.00) and present them to the Council for approval, and advise the Council of the advantages or disadvantages of contract bid proposals. No purchase shall be made, contract let or obligation incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by the Council. No purchase or contract in excess of ten thousand dollars (\$10,000.00) and no contract for new construction shall be let except by the City Council. The Manager may issue such rules governing purchasing procedure within the administrative organization upon the approval of Council.

The Manager must obtain not less than two quotations prior to the purchase of any materials, supplies or equipment or letting of any contract for amounts over \$5,000.00 up to and including \$10,000.00, unless one of the following exceptions apply:

1. An emergency purchase;
2. One only vendor is available;
3. Equipment standardization;
4. The technical nature of an item makes competition impractical; or
5. Use of a joint governmental purchasing program. (Ord. 10-50 § 1: Ord. 00-35 § 1: Ord. 81-23 § 1; Ord. 73-18 § 3-1 7)

Section 2.08.100 Annual budget.

It shall be the duty of the Manager to cause to be prepared for passage each year within ninety (90) days from the beginning of the fiscal year the annual budget for the City of Olney, submit same for public inspection in the office of the City Clerk and on motion of the Council publish notice of public hearings on same prior to adoption. After passage, the Manager shall make comparison reports periodically to the Council, at the Council's discretion, on expenditures as compared with the annual budget. (Ord. 73-18 § 3-1 8)

Section 2.08.110 Appropriation and levies.

It shall be the duty of the Manager to cause to be prepared for passage each year the annual appropriation ordinance and the annual tax levy ordinance, and to cause the same to be published and/or filed with proper county officials as required by law. (Ord. 73-18 § 3-1 9)

Section 2.08.120 Accounts.

The Manager shall cause to be kept correct accounts showing at all times the financial condition of the City, including the current and anticipated expenses, appropriations, cash on hand and anticipated revenues of all municipal funds and accounts; and he or she shall cause current account to be kept of the amounts appropriated and the amounts spent from each appropriation and the unexpended balance at all times. (Ord. 73-18 § 3-1 10)

Section 2.08.130 Inventory, care and custody of property.

The Manager shall keep a current inventory showing all real and personal property of the City, and its location, and he or she shall be responsible for the care and custody of all such property, both realty and personalty and which is not by law assigned to some other officer or body for care and control. (Ord. 73-18 § 3-1 11)

Section 2.08.140 Publications.

The Manager shall see to the publication of all notices, ordinances and other documents required by law to be published, and to prepare or cause to be prepared all reports required by law not otherwise required by law to be prepared or published by the City Clerk. (Ord. 73-18 § 3-1 12)

Section 2.08.150 Elections.

The Manager shall see to the preparation of all notices, ballots and election supplies necessary to and for all municipal elections. (Ord. 73-18 § 3-1 13)

Section 2.08.160 Records and certificates.

The Manager shall be responsible for the preparation and custody of all municipal records required by law to be kept by the City. Where the law makes it the duty of a specific officer to keep or maintain records, the Manager shall make available to such officer all necessary clerical assistance for the preparation of such records, and shall make available a place for the custody of such records. Where the law requires or provides for certification of any records or documents by an officer of the City, the Manager shall cause such records or documents to be properly prepared and presented to such officer for his or her signature. (Ord. 73-18 § 3-1 14)

Chapter 2.12

ADMINISTRATIVE STRUCTURE

Sections:

- 2.12.010 Departments.**
- 2.12.020 Oath and bond.**
- 2.12.030 General duties of department directors.**
- 2.12.040 Departmental duties and responsibilities.**

Section 2.12.010 Departments.

The administrative organization of the City shall be divided under the City Manager into the departments listed below. However, new or different departments may be created by a division of one of the following departments or a consolidation of two or more of the departments. Such organization shall be accomplished by the City Council upon the recommendation of the City Manager. The City Manager shall appoint persons to direct each department on the basis of qualifications and merit.

- | | |
|---------------------------------------|--------------------------------|
| A. Utility Department | Utility Supervisor |
| B. Street Department | Street Supervisor |
| C. Department of Public Property | Public Property Supervisor |
| D. Department of Public Records | City Clerk |
| E. Department of Accounts and Finance | City Treasurer |
| F. Department of Police | Chief of Police |
| G. Department of Fire | Fire Chief |
| H. Department of Engineering | City Engineer |
| I. Department of Law | City Attorney |
| J. Sewer Plant Department | Sewer Plant Supervisor |
| K. Water Plant Department | Water Plant Supervisor |
| L. Code Enforcement Department | Code Enforcement Officer |
| M. Sidewalks & Traffic Department | Sidewalks & Traffic Supervisor |

(Ord. 12-16 § 1; Ord. 01-59 § 1; Ord. 98-25 § 1; Ord. 73-18 § 4-1 1)

Section 2.12.020 Oath and bond.

Directors of departments, and such other officers as may be required by law or by the Council, shall take the oath or affirmation required by law and shall file with the City Clerk a good and sufficient surety

bond, approved as to form by the City Attorney, in such faithful performance and discharge of their duties, which bonds shall be submitted to the Council for approval. (Ord. 73-18 § 4-1 2)

Section 2.12.030 General duties of department directors.

Each director of a department shall:

- A. Be directly responsible to the Manager for the effective administration of his or her department and all activities thereof;
- B. Keep informed as to the latest practices of his or her particular field and inaugurate, with the approval of the Manager, such new practices as appear to be of benefit to the City and to the public;
- C. Submit reports of the activities of his or her department to the Manager in manner and form by the Manager requested;
- D. Be subject to general regulations, requirements and policies promulgated by the Manager, and when authorized by the Manager, appoint and remove all employees assigned to his or her department;
- E. Be responsible for the proper maintenance of all City property and equipment assigned to his or her department;
- F. Cooperate with other departments and furnish, upon direction of the Manager, such service, labor and materials to other departments as shall be required for the efficient conduct of City affairs;
- G. Any director or department head may be the director or head of more than one department;
- H. Under the direction of the City Manager, prepare a job function summary for each employee of his or her department. (Ord. 73-18 § 4-1 3)

Section 2.12.040 Departmental duties and responsibilities.

The various departments shall have the following specified responsibilities and duties and such other responsibilities as outlined in the administrative manual of the City, or assigned by the City Manager.

A. Utility Department. The Utility Department shall be responsible for the construction, upkeep, maintenance and operation of (1) the water distribution system of the City, including all mains, water towers (except telemetry and environmental compliance), valve stations, hydrants, meters, and all equipment and property used, owned and maintained in connection therewith, and (2) the sanitary sewer collection system of the City, including all mains, lift stations, and all equipment and property used, owned and maintained in connection therewith.

B. Street Department. The Street Department shall be responsible for the upkeep, repair, maintenance, improvement and extension of the streets, alleys, bridges, and public ways, and for the storm and surface drainage system, of the City, and for the control of the lighting of streets and alleys; and for enforcing the provisions of ordinances relating to the uses, obstructions, encroachments and excavations of the public ways; and in cooperation with the Department of Engineering, for the supervision of all public construction and improvements for or by the City.

C. Public Property Department. The Public Property Department shall be responsible for the custody, care, control, upkeep, repair, maintenance and supervision of all public property, both real and personal, except such property as shall be specifically placed under the responsibility of another department.

D. Department of Accounts and Finance. The City Treasurer shall be the Director of the Department of Accounts and Finance. It shall be the duty of the Director of Accounts and Finance, and of said department, to supervise each and every phase of City finance, including the accounting, tax collections, assessments, accounts, public utility department revenues, the rental and disposal of real estate owned by the City, the sale of cemetery lots, together with the collection of all fees or charges made by the City for services rendered by it; to see that all obligations owing by the City are promptly presented to the Council for approval, and upon Council approval, paid and discounts received. The Director shall keep himself or herself informed regarding the outstanding indebtedness of the City and shall see that proper register entries are at all times accurately maintained, that proper disposition is made of all bonds and coupons which have been paid, and that sufficient funds are provided at the place of payment for retirement of

maturing bonds and interest coupons as the same become due. It shall be the responsibility of the department to keep and maintain accurate records and accounts of all city finances, and the director shall submit to the Manager, at such times as shall be specified by the Manager, a report setting forth the financial condition of the City, and shall make such recommendations as, in his or her opinion, will result in the improvement of the City's operations. Effective January 1, 2016, the City Treasurer may hire an Assistant City Treasurer.

E. Department of Public Records. The City Clerk shall be the Director of the Department of Public Records. The City Clerk shall be the Clerk of the Council meetings. The City Clerk shall keep the minutes of all meetings of the City Council and shall be responsible for a complete and accurate record of the proceedings of the Council with respect to every matter engaging its attention. The department shall be responsible for the custody and care of all bonds, except the bond of the City Clerk (which shall be kept by the City Manager), contracts, deeds, minute books, exhibit books, original ordinances, ordinance publication books, and all other documents, books and records of the City not used in the particular work of any department. The City Clerk shall keep in his or her office a corrected and up-to-date copy of the rules and regulations of every City board and commission. The City Clerk shall be the manager of the City office and shall perform such other duties as shall be delegated to him or her by the City Manager. The City Clerk shall be authorized to appoint one Deputy City Clerk who shall have the authority to discharge the functions and duties of the City Clerk as directed by the Clerk or in the Clerk's absence. In the event the City Clerk and the Deputy City Clerk shall be absent from the City, or unable to perform the duties of this position, the City Manager shall act as City Clerk during such absence or inability.

F. Department of Police. The Chief of Police shall be the Director of the Department of Police. The Chief of Police and Police Department shall have the responsibilities, duties and functions as set forth in City ordinances.

G. Department of Fire. The Fire Chief shall be the Director of the Department of Fire. The Fire Chief, and the department, shall have the duties, functions and responsibilities as set forth in City ordinances.

H. Department of Engineering. The City Engineer shall be the Director of the Department of Engineering. He or she shall be a duly qualified engineer, licensed by the state of Illinois. The City Engineer shall prepare or approve all plans, blueprints and specifications of public improvements, made or caused to be made by the City; he or she shall be the City's chief supervisory official on and for all public improvements, and no work shall be accepted and payment made therefor except upon approval and certification by him or her. The department shall be responsible for keeping all City maps and plats current; and for the procurement, care and custody of such maps, plats and plans necessary to the efficient conduct of the department; and for the enforcement of all City building and zoning codes and ordinances, and all other codes or ordinances relative thereto.

I. Sewer Plant Department. The Sewer Plant Department shall be responsible for the construction, upkeep, maintenance and operation of the City wastewater treatment plant and all equipment and property used, owned and maintained in connection therewith. The Department shall be responsible for sampling of industrial wastes and inspecting septic systems within the jurisdiction of the City.

J. Department of Law. The City Attorney shall be the legal consultant of the City and the Director of the Department of Law. The City Attorney shall be an attorney at law, duly licensed by the state of Illinois. He or she shall be the legal adviser to the Mayor, the City Council, the Manager, and other City officers in all matters of law wherein the interest of the City is involved. The Department of Law shall be responsible for the preparation of all ordinances, resolutions, bonds, contracts or approval of other legal documents involving the City interest. The City Attorney shall attend all meetings of the City Council. The department shall prosecute or defend, or cause to be prosecuted or defended, all suits in which the City is a party, in any court, and shall use all necessary and proper means for the enforcement and protection of the rights of the City.

K. Water Plant Department. The Water Plant Department shall be responsible for the construction, upkeep, maintenance and operation of the City water treatment plant and all booster pump stations, and all equipment and property used, owned and maintained in connection therewith. The Department shall

also be responsible for telemetry and environmental compliance at all water towers, cross connection control compliance and sampling for new water main construction. The Department shall also be responsible for all reservoirs, including lake treatment, dam safety and maintenance, and buoys. The Department shall be responsible for the prevention of pollution of the City's water supply within and throughout the circumference and area over which by law the City may exercise jurisdiction for such purpose or purposes.

L. Code Enforcement Department. The Code Enforcement Officer (sometimes referred to as the Building Official) shall be the supervisor of the Department of Code Enforcement. The Department of Code Enforcement shall be responsible for the enforcement of all City building codes which may be adopted from time to time, the zoning ordinance of the City of Olney, the subdivision control ordinance of the City of Olney, and all junk, trash, and inoperable vehicle ordinances, and all other codes and ordinances relating thereto.

M. Sidewalks and Traffic Department. The Sidewalks and Traffic Department shall be responsible for the upkeep, repair, maintenance, improvement and extension of sidewalks, for all signs and barricades and the upkeep, repair, and maintenance thereof, and the painting of traffic lanes, crosswalks, parking spaces and curbs. (Ord. 2015-36 § 1; Ord. 2012-16 § 2; Ord. 2001-59 § 2; Ord. 1998-26 § 2; Ord. 1998-25 § 2; Ord. 1989-16 § 1; Ord. 1987-23 §§ 1, 2; Ord. 1973-18 § 4-1 4)

Chapter 2.16

CITY CLERK

Sections:

2.16.010 City Clerk.

Section 2.16.010 City Clerk.

The City Clerk shall also be the Director of Finance, ex-officio City Treasurer and Clerk of the Council. The City Clerk shall keep and supervise all accounts and have custody of all public moneys of the City; apportion and collect special assessments; issue licenses; collect license fees; make and keep a journal of proceedings of the Council; have custody of all public records of the City not specifically entrusted to any other office; and perform such other duties pertaining to such offices as may be by ordinance required, or assigned by the Council or City Manager. (Prior code § 35.08)

Chapter 2.24

POLICE DEPARTMENT

Sections:

- 2.24.010** Department established.
- 2.24.020** Personnel.
- 2.24.030** Supervision of department.
- 2.24.040** Police Chief.
- 2.24.050** Pension fund established.
- 2.24.060** Board of Trustees.
- 2.24.070** Moneys for pension fund.

Section 2.24.010 Department established.

There is established a Police Department to consist of one Chief, three Sergeants, and nine Patrol Officers to have such powers as conferred by statute and by local ordinance. The number of Patrol Officers may be temporarily increased when the City Manager of the City of Olney has sufficient evidence that a sworn officer of the Police Department will be leaving employment with the Police Department as a result of resignation, retirement, or permanent disability, but such temporary increase in the number of Patrol Officers shall only be during the period of time between the written notice of such resignation, retirement, or permanent disability and the last day on which the sworn officer is on paid status. (Ord. 11-50 § 1: Ord. 08-06 § 1: Ord. 98-71 § 1: Ord. 97-87 § 1: Ord. 91-26 § 1: Ord. 90-47 § 1: Ord. 89-22 § 1: Ord. 89-15 § 1: Ord. 89-11 § 1: Ord. 88-39 § 1: Ord. 79-15 § 1: Ord. 79-1 § 1: Ord. 74-14 § 1: Ord. 74-9 § 1: Ord. 73-41 § 1: prior code § 33.01)

Section 2.24.020 Personnel.

All Police Department personnel, except the Chief of Police, shall be appointed by the Fire and Police Commission. The Chief of Police shall be appointed by Council. (Prior code § 33.02)

Section 2.24.030 Supervision of department.

The City Council shall have such authority and supervision of the Police Department as provided by law. (Prior code § 33.03)

Section 2.24.040 Police Chief.

The Director of the Police Department shall be the Chief of Police. He or she shall direct the police work of the City and shall be responsible for the maintenance of law, order, public health and safety. The Chief of Police's work shall include control of investigation, records, traffic, crime prevention and all subjects allied to police work. He or she shall also furnish information to the public relative to traffic regulation, city ordinances and state laws and perform such other duties as may be assigned to him or her. (Prior code § 35.06)

Section 2.24.050 Pension fund established.

There shall be a police pension fund established in the municipality, as provided by law. (Prior code § 33.30)

Section 2.24.060 Board of Trustees.

The Board of Trustees of the pension fund shall consist of five members: two appointed by the

mayor, two elected by the members of the Police Department, and one elected by the beneficiaries of the pension fund. The elections shall be held on the third Monday in April, and the term of each member shall be two years. The Pension Board shall meet at least quarterly as provided by law, and shall hold such additional meetings as may be called by the President of the Pension Board. (Prior code § 33.31)

Section 2.24.070 Moneys for pension fund.

There shall be deposited in the pension fund the sums required by law which shall include:

- A. Nine percent per month deducted from the salary of each member of the police force;
- B. In addition thereto, the proceeds of such tax as may be levied for the police pension funds;
- C. Donations, gifts or other transfers authorized by 65 ILCS 5/3-101 et seq. (Ord. 98-129 § 4: prior code § 33.32)

Chapter 2.28

AUXILIARY POLICE

Sections:

- 2.28.010 Appointment of auxiliary police officers.**
- 2.28.020 Qualifications.**
- 2.28.030 Powers and duties of auxiliary police officers.**
- 2.28.040 Limited use of firearms.**
- 2.28.050 Training.**
- 2.28.060 Compensation.**

Section 2.28.010 Appointment of auxiliary police officers.

The City Manager is authorized, upon recommendation from the Police Chief, to appoint up to twelve (12) auxiliary police officers. Auxiliary police officers shall not be members of the regular Police Department of the City. Identification symbols worn by such auxiliary police officers shall be different and distinct from those used by the regular police department. The uniforms and equipment for each auxiliary police officer shall be furnished by the City and shall remain the property of the City. Auxiliary police shall at all times during the performance of their duties be subject to the direction and control of the Chief of Police of the City. An auxiliary police officers may be disciplined or terminated by the Police Chief with approval of the City Manager. (Ord. 10-48 § 1: Ord. 84-22 § 1 (part): prior code § 33.35)

Section 2.28.020 Qualifications.

Prior to the appointment, all proposed auxiliary police officers shall be fingerprinted. No person shall be appointed as an auxiliary police officer if he or she has been convicted of a felony or other crime involving moral turpitude. All auxiliary police officers shall have a high school diploma, and be at least twenty (20) years of age. Auxiliary police officers shall not be required to be a resident of the City. (Ord. 10-48 § 1: Ord. 84-22 § 1 (part): prior code § 33.36)

Section 2.28.030 Powers and duties of auxiliary police officers.

Auxiliary police shall have the powers and duties set forth below, when properly assigned and on duty:

- a. Aid or direct traffic within the City;
- b. Aid in control of natural or man made disasters;
- c. Aid in case of civil disorder as directed by the Police Chief; and
- d. When it is impractical for members of the regular police department to perform those normal and regular police duties, the Police Chief may assign auxiliary police officers to perform those normal and regular duties.

Auxiliary police officers shall not have conservator of the peace powers. (Ord. 10-48 § 1: Editorially amended during 1999 codification; Ord. 84-22 § 1 (part): prior code § 33.37)

Section 2.28.040 Limited use of firearms.

Auxiliary police officers shall not be issued and shall not carry firearms until they have completed the Forty (40) Hour Mandatory Firearms Training Course and any other training required by the Illinois Law Enforcement Training and Standards Board (ILETSB), and then only with the permission of the Police Chief and while in uniform and in the performance of their duties as set forth in this Chapter. The Police Chief shall make a determination as to the ability of each auxiliary police officer to carry a firearm regardless of any training courses completed or mandated by the ILETSB. The carrying of firearms shall

be at the sole discretion of the Police Chief. (Ord. 10-48 § 1: Ord. 84-22 § 1 (part): prior code § 33.38)

Section 2.28.050 Training.

Auxiliary police officers, prior to entering upon any of their duties, shall receive training in police procedures as shall be appropriate in the exercise of the powers conferred upon them, which training and course of study shall be determined by the Police Chief and the ILETSB and provided by the City of Olney. (Ord. 10-48 § 1: Ord. 84-22 § 1 (part): prior code § 33.39)

Section 2.28.060 Compensation.

Auxiliary police officers shall receive no monetary compensation for their services to the City. (Ord. 10-48 § 1)

Chapter 2.32

FIRE DEPARTMENT

Sections:

- 2.32.010 Fire Department members.**
- 2.32.020 Duties of the Fire Department.**
- 2.32.030 Fire Chief.**
- 2.32.040 Supervision of equipment.**
- 2.32.050 Authority at fires--Penalty for not obeying orders.**
- 2.32.060 Spectators to obey officer in command.**
- 2.32.070 Records to be kept by Fire Chief.**
- 2.32.080 Enforcement.**
- 2.32.090 Election of officers.**
- 2.32.100 Rules and regulations.**
- 2.32.110 Bond of Treasurer.**
- 2.32.120 Duties of the Treasurer.**
- 2.32.130 Organizations and activities.**
- 2.32.140 Service outside corporate limits.**
- 2.32.150 Contract for protection outside City limits.**
- 2.32.160 Effective date of contracts.**
- 2.32.170 Conditions under which contracts shall be executed.**
- 2.32.180 City not liable for loss or damage.**
- 2.32.190 Firefighting service where property not covered by contract.**
- 2.32.200 Payment for services not in City or contracted area.**
- 2.32.210 Charge for services outside jurisdiction and for services to property from outside jurisdiction.**
- 2.32.220 Pension Fund established.**
- 2.32.230 Board of Trustees of the Firefighters' pension fund.**
- 2.32.240 Moneys for the pension fund.**

Section 2.32.010 Fire Department members.

The Fire Department of the City shall consist of one Chief appointed by the City Manager of the City of Olney, three Firefighters appointed by the Board of Fire and Police Commissioners, and such other members as may be authorized by the City Council. The Fire Chief may be removed or discharged by the City Manager; however, in such case, the City Manager shall file with the City Council the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the City Council. (Ord. 11-05 § 1: Ord. 08-23 § 1: Ord. 87-18 § 1: Ord. 76-6 § 1: prior code § 32.01)

Section 2.32.020 Duties of the Fire Department.

It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires and to prevent the occurrence or spread of such fires. (Prior code § 32.06)

Section 2.32.030 Fire Chief.

The Fire Department shall be under the supervision of the Fire Chief. The Fire Chief shall be responsible for the extinguishment and the prevention of fires, the protection of life and property against fires, the removal of fire hazards, the maintenance and care of all property owned by the department, the

training for all Firefighters and the performance of other duties assigned to him or her. The Fire Chief shall also furnish information to the public relative to fire hazards, illegal practices and dangerous situations. (Prior code § 35.07)

Section 2.32.040 Supervision of equipment.

The Fire Chief shall have the control, subject to the order and direction of Council, of the Fire Department and all fire apparatus belonging to the City. Whenever any fire apparatus needs repairing the Fire Chief shall cause the same to be done without delay. (Prior code § 32.03)

Section 2.32.050 Authority at fires--Penalty for not obeying orders.

A. In case of fire, the Fire Chief, or regular Firefighter on duty, shall take command of the Fire Department and direct the management thereof for the suppression of the fire in the best manner possible. When it may be necessary, for the protection of other property and to prevent the spread of conflagration, the Firefighter in command may cause buildings to be removed, torn down or destroyed in the best manner possible.

B. Any Firefighter in attendance at a fire who shall neglect or refuse to obey the orders of the officer in command at such fire shall, upon conviction, be fined not less than five dollars (\$5.00) and not more than fifty dollars (\$50.00) for each offense. (Prior code § 32.04)

Section 2.32.060 Spectators to obey officer in command.

Every person above the age of eighteen (18) years who shall be present at a fire shall be subject to the orders of the officer in command at such fire, and shall render all assistance in his or her power, and in such manner as he or she may be directed in the extinguishment of a fire, and in the removal of and protection of property. Any person refusing to obey such orders shall, upon conviction, be fined not less than seventy-five (\$75.00) nor more than seven hundred fifty dollars (\$750.00), provided no person shall be bound to obey any such officer unless such officer's official character shall be made known to such person. A penalty imposed for refusing to obey such orders may include, or consist of, a requirement that the defendant perform some reasonable service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 98-129 § 6: prior code § 32.05)

Section 2.32.070 Records to be kept by Fire Chief.

The Fire Chief shall keep, or cause to be kept, a record of the attendance of the members, a record of all fires, and, during the last week in April of each year, file with the City Clerk a full report of such records, attendance and fires, which report shall be under oath. (Prior code § 32.07)

Section 2.32.080 Enforcement.

It shall be the duty of all officers of the Fire Department and of all Police Officers of the City to see that the provisions of this chapter are enforced, and to arrest on view any person who shall be found violating any of the provisions of this chapter, or who shall hinder, resist or refuse to obey any such officer in the discharge of his or her duty, and to that end all such officers are vested with the usual power and authority of Police Officers. (Prior code § 32.08)

Section 2.32.090 Election of officers.

The full-time members of the City Fire Department shall elect officers for said department during a meeting of the full-time members of said department during the month of May of each year. The full-time members of said department shall elect a President, Secretary, Treasurer, and any other officers deemed necessary by the full-time members of said department. (Ord. 90-16 § 1)

Section 2.32.100 Rules and regulations.

The full-time members of the City Fire Department shall, from time to time, make all needful rules and regulations with respect to the department and the management of the money to be paid to the Treasurer of the department. (Ord. 90-16 § 2)

Section 2.32.110 Bond of Treasurer.

The Treasurer of the City Fire Department shall give a bond to the City in the amount of seven thousand five hundred dollars (\$7,500.00). The bond shall be approved by the Mayor of the City and shall be conditioned upon the faithful performance by the Treasurer of the City Fire Department of his or her duties under this chapter and the rules and regulations provided for herein. (Ord. 90-16 § 3)

Section 2.32.120 Duties of the Treasurer.

The Treasurer of the City Fire Department shall receive the money for the Foreign Fire Insurance Tax specified in Section 11-10-1 of the Illinois Municipal Code and shall pay out the money upon the order of the City Fire Department for the maintenance, use and benefit of the department. (Prior code § 90-16 § 4)

Section 2.32.130 Organizations and activities.

The Fire Department may have any organization approved by Council, and may hold meetings and engage in social activities with the approval of Council. (Prior code § 32.30)

Section 2.32.140 Service outside corporate limits.

Members of the Fire Department are authorized to go outside the corporate limits of the City for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents, provided that the Fire Department shall not render such service outside the corporate limits excepting upon orders of the Chief or Firefighter in charge, excepting that where the City has undertaken, by contract, to render service to property outside the corporate limits, the Fire Department may leave the corporate limits in the fulfillment of such contract. (Prior code § 32.10)

Section 2.32.150 Contract for protection outside City limits.

The Commissioner of Public Health and Safety, with the attestation of the City Clerk, is authorized to enter into and execute formal written contracts relating to property outside the City limits under the terms of which there shall be paid, to the City Treasurer, annually a sum equal to the product of the full, fair cash value of the real and personal property protected, as equalized or assessed by the Department of Revenue of the state of Illinois for state and county tax purposes for the last preceding year times \$0.00125, or at a rate equal to the full fire tax of the City; provided, however, that under the terms of such contract, the City shall agree to furnish the full fire protection service of its Fire Department to said property to the extent of its ability, consistent with its primary duty to furnish such protection to property within the City limits. (Prior code § 32.11)

Section 2.32.160 Effective date of contracts.

Contracts shall be effective upon the date of payment, in cash, to the City Treasurer of the aforementioned sum, and shall remain in force unless otherwise abrogated for the term of the contract; provided, however, that contracts with fire protection districts and other governmental units may be made effective upon stated dates prior to the actual payment therefor upon approval by the City Council. (Prior code § 32.12)

Section 2.32.170 Conditions under which contracts shall be executed.

No contract shall be executed except with a contractee in one of the following classifications:

A. A fire protection district organized under the laws of the state of Illinois, in which case a cash credit on the payment otherwise due will be allowed for the administrative expenses, contemplated by the laws of Illinois for such district;

B. Another municipal corporation, the state government or the United States government, or any political subdivisions or agencies thereof;

C. Any individual or individuals or voluntary associations or corporations where the property to be protected aggregates in total assessed valuation at least one hundred thousand dollars (\$100,000.00), and is contiguous within itself, and comprises an area of at least one acre, and where one hundred (100) percent of the property owners sign the contract. (Prior code § 32.13)

Section 2.32.180 City not liable for loss or damage.

All such contracts shall contain a clause that the City shall in no way, and under no circumstances, be held liable for any loss or damage by reason of its failure to extinguish fires within the territory described in any such contracts. (Prior code § 32.14)

Section 2.32.190 Firefighting service where property not covered by contract.

Where request for firefighting services outside the City limits are received, involving property not within any area covered by a contract with the City, the Fire Department may respond and provide firefighting service if, as, and when in the judgment of the Fire Department the required personnel and apparatus can be spared from use and availability inside the City limits, and from use and availability in the adjacent contract areas. (Prior code § 32.15)

Section 2.32.200 Payment for services not in City or contracted area.

Any person who shall cause a call to be made to the Fire Department for firefighting services involving property outside the City limits and outside any contract area, and who shall have a legal or beneficial interest in any such property, and any person who shall accept the services of the Fire Department in fighting a fire involving such property, or who shall permit or consent to such services, shall be deemed to have consented to pay the amount charged therefor as provided in Section 2.32.210. (Prior code § 32.16)

Section 2.32.210 Charge for services outside jurisdiction and for services to property from outside jurisdiction.

A. The charges for services rendered by the Fire Department as set forth in subsections B and C of this section shall apply to the following:

1. Services rendered to property located outside of the Olney City limits or the Olney Fire Protection District and not covered by a mutual aid agreement; or

2. Services rendered to property temporarily located inside the Olney City limits or the Olney Fire Protection District which is not owned by a taxpayer of the City of Olney or the Olney Fire Protection District.

B. There shall be a minimum charge of six hundred dollars (\$600.00) for services rendered by the Olney Fire Department which shall cover services up to one hour of service.

C. The charge for each additional hour or fraction thereof after the first hour of service shall be one hundred twenty dollars (\$120.00) per hour or fraction thereof. (Ord. 06-08A, Sec 1: Ord. 98-37 § 1: Ord. 77-11: prior code § 32.17)

Section 2.32.220 Pension Fund established.

There shall be a Firefighters' pension fund established in the municipality, as provided by statute. (Prior code § 32.25)

Section 2.32.230 Board of Trustees of the Firefighters' pension fund.

The Board of Trustees of the Firefighters' pension fund shall consist of the following members: the City Clerk, City Treasurer, Chief Officer of the Fire Department and the Mayor, together with three persons who shall be elected from the members of the active Fire Department, and one person who shall be elected from the retired Firefighters, as provided by statute. The Firefighters elected to the Board shall be elected on the third Monday of April, for a term of three years. (Prior code § 32.26)

Section 2.32.240 Moneys for the pension fund.

There shall be deposited in the pension fund the sums required by law, which shall include:

- A. Six and three-fourths percent per month deducted from the salary of the active Firefighters;
- B. One and one-half percent per month deducted from the salary of the active Firefighters for the cost of the increase in pension provided in 65 ILCS 5/4-109.1;
- C. Any money, real estate or personal property received by the Board;
- D. All rewards in money, fees, gifts and emoluments that may be paid or given for or on account of extraordinary service by the Fire Department or any member thereof, except when allowed to be retained by competitive awards;
- E. And in addition thereto the proceeds of such tax as may be levied for the Firefighters' pension fund. (Ord. 98-129 § 5: prior code § 32.27)

Chapter 2.36

HUMAN RELATIONS COMMISSION

Sections:

2.36.010	Creation.
2.36.020	Statement of policy.
2.36.030	Qualification of members.
2.36.040	Appointment--Term of office.
2.36.050	Meetings--Secretary.
2.36.060	Duties, functions and powers.
2.36.070	Hearings, investigations and research.

Section 2.36.010 Creation.

There is created a Commission on Human Relations, which Commission shall be composed of five members. (Ord. 81-18 § 1 (part); prior code Ch. 9 (part))

Section 2.36.020 Statement of policy.

The purpose of the Commission shall be to promote, foster, encourage and stimulate sympathetic understanding, harmonious relationships, a spirit of charity and a program of practical cooperation among all groups and individuals, to the end that the City may grow and advance in wholesome collective achievement and in the field of individual opportunity. (Ord. 81-18 § 1 (part); prior code Ch. 9 (part))

Section 2.36.030 Qualification of members.

Each member of the Human Relations Commission shall be a qualified elector of the City and shall have resided therein at least one year next preceding his or her appointment. (Ord. 81-18 § 1 (part); prior code Ch. 9 (part))

Section 2.36.040 Appointment--Term of office.

A. The members of the Human Relations Commission shall be appointed by the Mayor, with the consent of the City Council. The five members first appointed after the passage of the ordinance codified in this chapter shall serve for the following terms:

1. Three Commissioners, one of whom shall be designated by the Mayor as Chairperson, shall serve for two years; and
2. Two Commissioners shall serve for one year.

B. The successors of all such individual five members of the Commission shall serve for terms of two years; all such appointments and appointments to fill vacancies shall be made in like manner as in the case of the initial Commissioners.

C. A Commissioner having been duly appointed shall continue to serve after the expiration of his or her term until his or her successor has been appointed. All terms shall expire on June 30th in their final year. (Ord. 81-18 § 1 (part); prior code Ch. 9 (part))

Section 2.36.050 Meetings--Secretary.

The Human Relations Commission shall meet and elect a Secretary from among its members as soon as possible after their appointment and confirmation by the City Council. Such Commission shall hold regular monthly meetings and such other meetings as may be necessary, and said meetings shall be held in the City Hall or some other suitable place. (Ord. 81-18 § 1 (part); prior code Ch. 9 (part))

Section 2.36.060 Duties, functions and powers.

The Commission shall cooperate with the Mayor, the City Council and other City officials in securing and furnishing of equal services to all residents; developing, by various publicity and training media, improved inter-group relations, which in turn develop respect for equal rights without regard to race, color, creed, religion, national origin or ancestry; encouraging and fostering fair and equal treatment under the law to all citizens; and maintaining equality of opportunity for employment and advancement in the City government.

The Commission shall advise and consult with the Mayor and City Council on matters involving racial, religious, ethnic prejudices or discrimination and recommend such action as it may deem appropriate to effectuate the policy of this chapter.

The Commission shall render an annual report to the Mayor and City Council, which report shall be made public.

The Commission shall exercise those powers delegated to it by ordinance or assigned to it by resolution of the Council. (Ord. 81-18 § 1 (part): prior code Ch. 9 (part))

Section 2.36.070 Hearings, investigations and research.

The Commission shall conduct hearings and receive and investigate complaints brought pursuant to the fair housing regulations of the City, as provided for in Chapter 9.08 of this code, and initiate its own investigations of tensions, practices of discrimination, and acts of prejudice against any person or group because of race, religion or ethnic origin. Results of such investigations and resulting recommendations for progressively improving human relations in the entire City shall be made in report form to the Mayor and City Council. (Ord. 81-18 § 1 (part): prior code Ch. 9 (part))

Chapter 2.40

INDUSTRIAL DEVELOPMENT CORPORATION

Sections:

2.40.010	Short title.
2.40.020	Definitions.
2.40.030	Establishment.
2.40.040	Membership.
2.40.050	Terms of office.
2.40.060	Officers.
2.40.070	Rules and procedures.
2.40.080	Meetings.
2.40.090	Powers and duties.
2.40.100	Fund.
2.40.110	Fiscal year.
2.40.120	Budget.
2.40.130	Operation of fund.
2.40.140	Property.

Section 2.40.010 Short title.

This chapter shall be known and may be cited as the "Olney Industrial Development Commission Ordinance." (Ord. 76-3 (part): prior code § 34.50)

Section 2.40.020 Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivatives shall have the meaning given herein:

"City" means the City of Olney, Illinois.

"Commission" means the Industrial Development Commission of the City of Olney as created by this chapter.

"Council" means the City Council of the City of Olney, Illinois.

"Fund" means the industrial development fund created by this chapter.

"President" means the President of the Industrial Development Commission as provided.

"Secretary" means the Secretary of the Industrial Development Commission as provided. (Ord. 76-3 (part): prior code § 34.51)

Section 2.40.030 Establishment.

There is established in the City an Industrial Development Commission. (Ord. 76-3 (part): prior code § 34.52)

Section 2.40.040 Membership.

The Commission shall consist of seven members who shall be appointed by the Mayor with the advice and consent of the Council and shall serve without compensation. In addition to the seven appointed members, the Mayor, City Manager, City Engineer, City Attorney, and President of the Olney Chamber of Commerce shall serve as ex-officio members on the Commission. (Ord. 76-3 (part): prior code § 34.53)

Section 2.40.050 Terms of office.

The members of the Commission shall be appointed for a term of four years, except that three members of the first commission shall serve for a term of two years only, with the remaining four members serving for a four-year term. The Mayor shall designate which members are appointed to serve the two-year terms. Thereafter, the successors of the initial appointees will be appointed for four-year terms each, with each member to serve until his or her successor shall have been appointed and qualified by the acceptance of his or her appointment. Terms shall commence on July 1st. Vacancies occurring on the Commission prior to the expiration of the term shall be filled for the unexpired term by appointment of the Mayor with the consent of the Council. The Council shall have the power to remove any member of the Commission from office when such removal is deemed in the best interests of the City. (Ord. 76-3 (part): prior code § 34.54)

Section 2.40.060 Officers.

After appointment of the Commission, the members of the Commission shall meet in regular session and organize by electing from their members a President and a Secretary to hold one-year terms. The City Treasurer shall serve as the Treasurer for the Commission. The Commission shall have the authority to elect such other officers as it may deem necessary. (Ord. 76-3 (part): prior code § 34.55)

Section 2.40.070 Rules and procedures.

The Commission shall adopt the necessary bylaws and rules to govern its own meetings and procedures. (Ord. 76-3 (part): prior code § 34.56)

Section 2.40.080 Meetings.

The Commission shall meet in regular session at least quarterly at a time and place specified by vote of its members. Special meetings may be called by the Council, the President, or any three members of the Commission. Written notice of special meetings shall be given to all members. (Ord. 76-3 (part): prior code § 34.57)

Section 2.40.090 Powers and duties.

The Commission shall have the following powers and duties:

- A. To exercise all of the powers granted by Illinois state law including but not limited to the Industrial Project Revenue Bond Act and the City ordinance;
- B. To confer with and advise the Council, Mayor and Planning Commission all matters concerning the industrial development of the City;
- C. To advertise the industrial advantages and opportunities of the City;
- D. To collect data and information as to the type of industries best suited to the City;
- E. To develop, compile and coordinate information regarding available area suitable for industrial development;
- F. To encourage the proper zoning and orderly development of areas suitable for industrial development and to promote the interest of industrialization of such areas of the City;
- G. To cooperate with all community groups which are dedicated to orderly industrial and economic expansion of the City, and to furnish them such aid and advice as is deemed appropriate;
- H. To aid the Council, Mayor and Planning Commission in the attraction of new industries and in the encouragement of expansion by existing industries and businesses;
- I. To cooperate with all industries and businesses in the City in the solution of any community problem which they might have, and to encourage the management of such concerns to have a healthy and constructive interest in the City's welfare;
- J. To periodically survey the overall condition of the City from the standpoint of determining

whether the City has a community climate and furnishes such services and facilities as are conducive to industrial and economic expansion;

K. To recommend to the Council the leasing, sale or use of the City-owned properties for industrial purposes;

L. To exercise such additional powers and duties as may be assigned to it from time to time by the Mayor and City Council. (Ord. 76-3 (part): prior code § 34.58)

Section 2.40.100 Fund.

There is created a fund to be known as the Industrial Commission fund which shall be used for purposes of financing and exercising the powers and performing the duties herein provided. This fund shall consist of such sums of money as may hereafter be appropriated and provided for by the Council together with such funds acquired and received from state and federal grants. The fund will also receive sums of money from rentals, interest, income and dividends from the sale, lease or conveyance of properties held or managed by the Commission. (Ord. 76-3 (part): prior code § 34.59)

Section 2.40.110 Fiscal year.

The fiscal year of the Commission shall coincide with that of the City which presently is May 1st through April 30th. (Ord. 76-3 (part): prior code § 34.60)

Section 2.40.120 Budget.

The Commission shall prepare an operating budget for each fiscal year to be submitted to the City not later than March 31st of each year along with the Commission's recommendations for appropriation for the coming fiscal year. (Ord. 76-3 (part): prior code § 34.61)

Section 2.40.130 Operation of fund.

The Commission shall have full and complete control over the supervision and management and disbursement of the fund except that any expenditure of one thousand dollars (\$1,000.00) or more shall require the prior approval of the Council. The Commission shall keep and maintain accurate accounts and records pertaining to the management and operation and disbursement of the fund and shall obtain an annual audit by a certified public accountant. (Ord. 76-3 (part): prior code § 34.62)

Section 2.40.140 Property.

All transactions involving the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any industrial building or lands acquired for industrial purposes, or for the lease, sale or conveyance of any buildings or of lands acquired for industrial purposes by the City, shall require the prior approval of the Council, and the Commission shall have no authority to bind the Council to any commitment without such approval. Proceeds received from the sale, lease or conveyance of any industrial buildings or lands acquired by the City for industrial purposes shall be collected and accounted for by the Commission and paid into the fund to be used in accordance with the provisions of this chapter. (Ord. 76-3 (part): prior code § 34.63)

Chapter 2.44

PLAN COMMISSION

Sections:

2.44.010	Plan Commission created.
2.44.020	Members of the Commission.
2.44.030	Term of office.
2.44.040	Procedure of organization.
2.44.050	Duties of the Plan Commission.
2.44.060	Land subdivision.
2.44.070	Public improvements.
2.44.080	Expenditures.

Section 2.44.010 Plan Commission created.

In order that adequate provisions be made for the preparation of a comprehensive City plan for the guidance, direction and control of the growth and development of the City, a Plan Commission, which shall be a department of the City government, is created. (Prior code § 34.15)

Section 2.44.020 Members of the Commission.

The Plan Commission shall consist of nine members, citizens of the City of Olney, appointed by the Mayor on the basis of their particular fitness for their duty on the Plan Commission, and subject to the approval of the City Council. (Prior code § 34.16)

Section 2.44.030 Term of office.

All members shall serve for a period of four years following their appointment. Vacancies shall be filled by appointment for unexpired terms only. All members of the Commission shall serve without compensation, except that, if the City Council deems it advisable, the Secretary may receive such compensation as may be feasible from time to time by the City Council and provided for in the appropriate ordinance. (Prior code § 34.17)

Section 2.44.040 Procedure of organization.

Immediately following their appointment, the members of the Plan Commission shall meet, organize and elect such officers as it may deem necessary, and adopt and later change or alter rules and regulations of organization and procedure consistent with city ordinances and state laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report with the Mayor, and Council, setting forth its transactions and recommendations. (Prior code § 34.18)

Section 2.44.050 Duties of the Plan Commission.

The Plan Commission shall have the following powers and duties:

A. To prepare and recommend to the Council a comprehensive plan of public improvements, looking to the present and future development and growth of City. Such a plan after its adoption by the Council will be known as the official plan of the City of Olney, Illinois. Such plan shall include reasonable requirements with reference to streets, alleys and public grounds within the corporate limits and in contiguous territory outside of and distant not more than one and one-half miles from such limits, and not included in any municipality; such requirements to be effective whenever such lands shall be subdivided

after the adoption of such plan;

B. To prepare and recommend to the Council, from time to time, such changes in the plan or any part thereof as may be deemed necessary by the Council or by the Plan Commission;

C. To prepare and recommend to the Council, from time to time, plans and/or recommendations for specific improvements in pursuance of such official plan;

D. To give aid to the officials of the City charged with the direction of projects for improvements embraced within the official plan, to further the making of such improvements, and generally to promote the realization of the official plan;

E. To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding;

F. To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area;

G. To exercise such other powers germane to the powers granted under authority of 65 ILCS Div. 5/11-12, as amended, as may be conferred by Council. (Ord. 98-130 § 1; prior code § 34.19)

Section 2.44.060 Land subdivision.

Following the adoption of an official plan in the manner prescribed in this code, no map or plat of any subdivision presented for record, affecting the land within the corporate limits of the City or in contiguous territory outside of and distant not more than one and one-half miles from such limits, and not included in any other municipality, shall be entitled to record or shall be valid unless the subdivision thereon shall provide for streets, alleys and public grounds in conformity with any requirements applicable thereto of such official plan. (Prior code § 34.20)

Section 2.44.070 Public improvements.

The Clerk shall furnish the Plan Commission for its consideration a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the Council. (Prior code § 34.21)

Section 2.44.080 Expenditures.

The Commission may, at the discretion of the Council, employ necessary help whose salaries, wages and other necessary expenses shall be provided for by adequate appropriation made by the Council from the public funds. If Plan Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Council and appropriations by the City therefor. (Prior code § 34.22)

Chapter 2.48

BOARD OF FIRE AND POLICE COMMISSIONERS

Sections:

- 2.48.010 Board of Fire and Police Commissioners.**
- 2.48.020 Appointment and discharge of Chiefs of Fire and Police Departments.**
- 2.48.030 Number of members--Term of office.**
- 2.48.040 Qualifications--Performance bond--Removal from office.**
- 2.48.050 Powers and duties of the Board.**
- 2.48.060 Compensation.**

Section 2.48.010 Board of Fire and Police Commissioners.

The Council adopts 65 ILCS Div. 5/10-2.1 in regard to the appointment of a Board of Fire and Police Commissioners. (Editorially amended during 1999 codification; prior code § 34.01)

Section 2.48.020 Appointment and discharge of Chiefs of Fire and Police Departments.

The Council expressly reserves itself the right of appointing and discharging the Chiefs of the Police Department and of the Fire Department. (Prior code § 34.02)

Section 2.48.030 Number of members--Term of office.

The board shall be made up of three members whose terms of office shall be three years. The terms of office for the first members of the Board shall be as follows: one member to serve for a term of three years; one member for a term of two years; and one member for a term of one year. Members of the Board shall serve until their successors shall have been appointed and have qualified. (Ord. 98-130 § 2: prior code § 34.03)

Section 2.48.040 Qualifications--Performance bond--Removal from office.

The members of the Board of Fire and Police Commissioners shall have such qualifications as are now, or may hereinafter be, required of them by law. Each member of the Board shall take oath of office and shall execute and deliver to the City a bond in the sum of one thousand dollars (\$1,000.00), with such sureties as Council shall approve, conditioned upon faithful performance of the duties of his or her office. The members of the Board of Fire and Police Commissioners shall be subject to removal from office in the same manner as other appointed officers of the City. (Prior code § 34.04)

Section 2.48.050 Powers and duties of the Board.

The Board of Fire and Police Commissioners shall have such powers and duties as are now, or may hereinafter be, given to it by law. (Prior code § 34.05)

Section 2.48.060 Compensation.

Members of the Board, and any Secretary appointed by them, shall serve without compensation. (Prior code § 34.06)

Chapter 2.52

BOARD OF LOCAL IMPROVEMENTS

Sections:

2.52.010 **Creation--Duties.**

2.52.020 **Composition.**

Section 2.52.010 **Creation--Duties.**

There is created a Board of Local Improvements in and for the City to do and perform all the duties and functions incumbent upon and to exercise all the rights of a Board of Local Improvements, all as provided in and by Illinois Municipal Code. (Ord. 73-39 § 1A: prior code § 34.42 (part))

Section 2.52.020 **Composition.**

The Board of Local Improvements shall be composed of not less than three members appointed by the Mayor with the advice and consent of the City Council, which members may be appointed from persons holding other offices or positions in the government of the City. Said members shall hold three-year staggered terms. (Ord. 73-39 § 1B: prior code § 34.42 (part))

Chapter 2.56

PERSONNEL RULES AND REGULATIONS

Sections:

2.56.010	Definitions.
2.56.020	Positions not covered by the provisions of this chapter.
2.56.030	Compensation plan.
2.56.040	Overtime work and compensation.
2.56.050	Holidays.
2.56.060	Grievances and communications--Personnel Officer.
2.56.070	Leaves of absence.
2.56.080	Layoffs, suspension and termination.
2.56.090	Compensation limited by budget.
2.56.100	Retirement.

Section 2.56.010 Definitions.

For the purpose of this chapter, the following definitions shall apply:

Breaks. Each employee may enjoy the privilege of a rest period or "break" of fifteen (15) minutes each in the morning and in the afternoon, providing he or she does not drive any substantial distance to reach a particular place, or a large number of employees gather at one place at the same time. Break periods are not cumulative and work must come first. Breaks should be scattered so that all work in a department does not cease.

"Full-time part-time employee" means one who is employed on a permanent basis for more than one thousand (1,000) hours per year, but less than one thousand eight hundred seventy (1,870) hours per year. These employees are entitled to IMRF coverage and other limited fringe benefits on a pro-rated basis.

"Holiday" means a day which an employee is paid his or her regular base pay, but is excused from performing any of his or her normal duties. This day may or may not be one as specified by the national or state governments.

Hours of Work. All departments shall observe office and working hours necessary for the efficient transaction of services as determined by the City Manager. The very nature of the services performed by the City makes it impossible for all departments to operate on the same schedule of working hours. Working hours for department heads are such as necessary for continuing their work in a satisfactory and efficient manner. A regular work week shall consist of forty (40) hours.

"Part-time employee" means one who is employed on a permanent basis, but works less than one thousand (1,000) hours per year. Such employees are not entitled to insurance, etc. Such employees are not entitled to IMRF coverage unless their positions normally require performance of duty for six hundred (600) hours or more per year.

Political Activities. No employees of the City is prohibited from exercising his or her full political rights to engage in political activities, including the right to petition, make speeches, campaign door to door, and to run for public office, so long as the employee does not use his or her official position of City employment to coerce or influence others and does not engage in political activities while he or she is at work on duty.

"Temporary employee" means one who works for a limited time or for a specific project and generally with an estimated time of termination. This employee may work a full-time work schedule during his or her period of employment. (Ord. 2015-07 § 1)

Section 2.56.020 Positions not covered by the provisions of this chapter.

The provisions of this chapter shall not apply to elected officials, employees covered by a collective bargaining agreement, or members of boards and commissions. (Ord. 2015-07 § 1)

Section 2.56.030 Compensation plan.

A. Compensation Schedules. The pay of the City employees occupying all positions covered by this chapter shall be on the basis of the schedule of hourly rates and salaries as prescribed in the current ordinance establishing the City salary and wage schedule for the respective classes of positions. The schedule of hourly rates and salaries set forth in the current salary and wage ordinance and the provisions of this chapter regarding the administration thereof together with the provisions herein on benefits and working conditions now comprise the compensation plan.

B. Full-Time Basis of Salary Rates. The bi-weekly salary of each hourly employee shall be based on the wage rate per hour for the respective classes of positions. The salaries of supervisory, professional and administrative positions are fixed according to the responsibilities to be fulfilled and are not based on a fixed number of hours of work per week and shall not be adjusted with variations in work schedules, unless additional compensation is specifically provided by City Council. All regular, permanent full-time salaried employees shall be paid bi-weekly salaries consisting of a proportionate amount of their annual salary prescribed in the current salary and wage schedule ordinance for their respective classes of positions. Salaries of temporary, seasonal, part-time employees or full-time part-time employees shall be at an hourly rate agreed by the City Manager, department head, and the employee, however, in no case shall the hourly rate exceed the maximum hourly rate established by ordinance by the City Council for the specific position or job.

C. Salary and Wage Schedule. The City Council shall, from time to time, establish by ordinance a salary and wage schedule for all classes of positions, except those specified in Section 2.56.030. Each salary and wage schedule ordinance shall be in full force and effect until a subsequent ordinance is adopted by the City Council and is in effect.

D. Partial Compensation Received from other Sources. In any case in which the compensation for services of any employee is paid by any outside agency or from private sources for services performed as a representative of the City, such payments shall be remitted directly to the City. No employee shall receive any compensation from an outside source for work performed as a representative of the City. No individual employee shall accept any favor, gratuity, or gift in return for any service or business purchases as a result of his or her position or employment. Any violation of this subsection shall be subject to disciplinary action. (2015-07 § 1)

Section 2.56.040 Overtime work and compensation.

A. Overtime Administration. In emergencies, a department head may prescribe reasonable periods of overtime work to meet operational needs. Such overtime shall be reported to the City Manager and justification as may be required. Complete records of overtime of employees shall be maintained by each department head.

B. Overtime Compensation. All employees subject to the Fair Labor Standards Act are eligible for compensation when required to work more than the number of hours in his or her established work week. He or she shall be paid at one and one-half times his or her hourly rate for the overtime hours worked.

1. Hours worked shall include eight hours for each holiday listed in Section 2.56.050(A) when the holiday falls on an employee's scheduled work day; provided, however, if the employee is required to work on the holiday, the holiday hours shall be reduced by the number of hours worked on the holiday.

2. Hours worked shall not include any uncompensated periods. Hours worked shall include vacation, personal leave, sick leave, jury leave and funeral leave.

C. Any employee who is required to work outside of his or her scheduled work day during hours which are not contiguous to his or her scheduled hours of work shall be paid for a minimum of one hour of work at his or her regular hourly rate unless subsection B of this section shall apply. However, if the employee is required to work on a day in which he or she is not scheduled to work, the employee shall be

paid for a minimum of two hours of work at his or her regular hourly rate unless subsection B of this section shall apply. (2015-07 § 1)

Section 2.56.050 Holidays.

A. Compensation for Absence on Holidays. All employees of the City not otherwise covered by any other section in this chapter or by a collective bargaining agreement shall receive their regular compensation for the following legal holidays or other day proclaimed as a holiday by the City Council, during which the public offices of the City are closed:

New Year's Day	Veteran's Day
Presidents' Day	Thanksgiving Day
Good Friday	Day After Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	

B. Compensation for a Holiday Falling on Regularly Scheduled Day Off. Except for employees regularly scheduled to work on a shift basis, when a holiday listed in subsection A of this section falls on Saturday, the preceding Friday shall be observed as the legal holiday and when the legal holiday falls on Sunday, the following Monday shall be observed as the legal holiday.

C. Compensation for Work Performed on Holidays. Any full-time employee not otherwise covered by any other section in this chapter who shall be required to perform work or to render services on one of the holidays listed in subsection A of this section shall be compensated for such work at one and one-half times his or her hourly rate for all hours worked on the holiday. (2015-07 § 1)

Section 2.56.060 Grievances and communications--Personnel Officer.

A. For the purpose of this section, a grievance is a real or fancied wrong considered by an employee as grounds for complaints. It is the desire of the City that any complaint shall be resolved as promptly and at the most immediate level as possible to the satisfaction of all parties.

1. An employee shall first present his or her grievance to his or her immediate supervisor who shall make careful inquiry into the facts and circumstances of the complaint. The supervisor shall attempt to resolve the problem promptly and fairly.

2. If there is a failure to resolve a grievance at this level, the employee may submit his or her grievance in writing to the department head. The department head shall make a separate investigation and inform the employee, in writing, of his or her decision and the reason therefor within ten calendar days after receipt of the employee's grievance.

3. If the employee is dissatisfied with the department head's decision, he or she may obtain a review by the City Manager by submitting a written request for review within ten calendar days following the receipt of the decision of the department head. The City Manager shall make such investigation and conduct such hearing as he or she may deem necessary and shall, within fifteen (15) calendar days after the receipt of the employee's request for review, inform the employee, in writing, of his or her findings and decisions, which shall be binding and final.

B. Communications. It is the policy and desire of the corporate authorities of the City, along with the City Manager, to maintain open communications with all levels of City employees. Department heads, with the City Manager when necessary will conduct general meetings with all employees for the purpose of exchanging information, asking and answering questions.

C. Personnel Officer. The City Manager shall serve as personnel officer. He or she shall be responsible for maintaining the official personnel file on all employees. These files shall be confidential and contain the complete history of each employee during his or her employment by the City. The files shall consist of, but not be limited to, dates and record of sick leave, injuries, vacations, commendations,

reprimands, personnel evaluations, accidents or damage involving City property, marital status, education and special training received at City expense. The City Manager may designate an employee to act as personnel officer, however, he or she shall be held responsible for this file. (2015-07 § 1)

Section 2.56.070 Leaves of absence.

A. Applicability. This section provides regulations for full-time employees working a forty (40) hour week only.

B. Vacation Leave.

1. All employees in the service of the City, except temporary, seasonal and part-time employees, shall be allowed one week vacation leave with pay after the completion of one year of employment, two weeks of vacation following three (3) years of continuous service, three weeks of vacation following six (6) years of continuous service, four weeks of vacation following thirteen (13) years of continuous service, and five weeks of vacation following twenty (20) years of continuous service with the City.

2. Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purpose may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.

3. Each department head shall keep records of vacation leave allowance and shall schedule vacation leaves in accord with operating requirements and, insofar as possible, with the request of the employee.

4. During the vacation herein provided for, the employee shall be entitled to full pay for such period at the regular rate of compensation.

5. In the event that a paid legal holiday as prescribed in this chapter falls during the vacation period herein provided for, then in that event the vacation period shall be extended one working day unless otherwise provided for under holiday compensation.

6. Vacation time earned during one year should be taken during the following year, however, an employee may defer a maximum of one week's vacation to the following year. He or she must notify his or her department head in writing at least one month in advance of his or her change in vacation plans to allow for any rescheduling that may be necessary. A department head may defer his or her vacation time in excess of one week with the approval of the City Manager.

7. When an employee's service with the City is terminated in good standing following a minimum of one year's employment, he or she shall receive compensation for unused vacation leave accumulated. When such termination is by voluntary resignation of the employee, he or she shall give the department head at least two weeks' notice in writing, or compensation for unused vacation shall be denied.

8. An employee may, with the approval of the department head, take a portion of his or her vacation a day at a time. However, the employee must take a minimum of one-half of his or her earned vacation in consecutive days. An employee with three or more weeks of earned vacation must take a minimum of one-half of his or her earned vacation in one or more periods of at least five consecutive days each.

C. Sick Leave.

1. All employees in the City service, except temporary and part-time employees, shall be entitled to sick leave with pay after satisfactory completion of the six-month period following initial employment.

2. Amount of Sick Leave. Each employee shall earn sick leave credit at the rate of one working day per month. Effective June 1, 1990, each employee may accumulate no more than ninety (90) sick leave days, provided, however, that any employee having more than ninety (90) sick leave days as of May 31, 1990, shall be entitled to use such sick leave days, but the employee may not accumulate additional sick leave days so long as the employee has at least ninety (90) sick leave days accumulated. The restriction on the accumulation of sick leave days shall not limit the right of the employee to use a sick leave day during the month in which it is earned.

When an employee's service with the City is terminated in good standing, whether by retirement, resignation or dismissal, an employee shall receive compensation for unused sick leave accumulated in excess of sixty (60) days up to a maximum of one hundred twenty (120) days when such sick leave days were earned prior to June 1, 1990. An employee shall not receive compensation for any sick leave days

earned on or after June 1, 1990, upon retirement, resignation or dismissal.

New employees who have not had the opportunity to accumulate sufficient sick leave may be advanced up to a maximum ten days' sick leave by the City Manager to cover illnesses requiring the employee's extended absence. Such advanced leave granted shall be repaid to the City at the rate of one day per month. In the event the employee should resign prior to the prepayment or accumulation of sick leave equal to the advanced leave, the difference shall be deducted from his or her severance paycheck.

3. Policy Governing Granting of Sick Leave. Employees are eligible for compensation from the first day of illness. An employee must notify his or her immediate supervisor or department head on the first day of his or her illness. However, the third day through the balance of the illness, the City will pay the employee's salary only after presentation of a written statement from a licensed doctor certifying that the employee's condition prevented him or her from performing the duties of his or her position. Any employee who is proven to have fraudulently obtained sick leave compensation from the City will be subject to disciplinary action and reimbursement to the City in an amount not less than that fraudulently submitted.

a. All employees are entitled to disability compensation either under the IMRF, police pension fund, or fire pension fund. However, no employee will receive any compensation from the City for the period between his or her accrued sick days and the commencement of paying of compensation of pension funds.

b. An employee eligible for sick leave with pay may use such leave upon the approval of his or her department head and the City Manager for absence due to immediate family illness which requires the employee's personal attention and care. An employee on sick leave shall inform his or her immediate supervisor of the fact and the reason therefor as soon as possible, and failure to do so within two days may be cause for denial of pay for the period of absence.

4. An employee may exercise the right to be compensated for unused sick leave days earned during a calendar year according to the terms of this subsection by submitting a written request to the City Manager by January 31st of the following year. The Employer will, upon written request, compensate the employee for one-half (1/2) of the remaining sick leave at the employee's regular hourly rate. An employee who elects to be paid for unused sick leave at the end of the calendar year shall not be entitled to accumulate any sick leave earned during the calendar year.

For purposes of this section, any sick leave days taken during a calendar year shall first be applied to the twelve (12) sick leave days earned during the calendar year prior to any accumulated sick leave days.

D. Special Leaves.

1. A full-time employee may be granted up to three days' leave of absence with pay as a result of a death in his or her immediate family. Such leave will not be charged to his or her accumulated days of sick leave. For the purpose of this subsection, the immediate family shall be interpreted as the employee's parents or grandparents, spouse's parents or grandparents, brother or sister of the employee, brother or sister of the spouse, spouse of the employee and children of the employee. Proof of death and relationship may be required by the department head.

2. In addition to leaves authorized above, a department head may authorize an employee to be absent without pay for personal reasons for a period not to exceed five working days in any calendar year.

3. The City Manager may authorize special leaves for any period or periods not to exceed nine calendar months in any one calendar year for the following purposes: without pay for urgent personal business requiring employee's attention for an extended period such as settling estates or liquidating a business; with pay for serving on a jury or attending court except in cases involving a criminal act by the employee or a civil case initiated by the employee; and without pay for training at a recognized university or college and for purposes other than the above that are deemed beneficial to the City service.

4. Any employee who plans to take time off from work in order to practice his or her religious beliefs must provide the department head with a notice of his or her intention to be absent from work at least five days prior to the date of absence.

E. Absence without Leave. An employee who is absent from duty shall report the reasons therefor to his or her supervisor prior to the date of absence when possible and in no case later than the second day of absence. All unauthorized and unreported absences shall be considered absence without leave and

deduction of pay shall be made for the period of absence. Three consecutive days of absence without notice shall be construed as representing resignation from the City service and/or may be cause for disciplinary action.

F. Personal Leave. All full-time employees, except employees covered by a collective bargaining agreement, shall be eligible to take three days off as personal leave during each calendar year. When such a day is utilized by the employee, he or she shall be entitled to eight hours' pay at his or her regular straight time hourly rate. Requests to utilize paid time off under this section shall be submitted to the department head twenty-four (24) hours in advance for approval. Any unused personal leave may not be carried over from one calendar year to another. (2015-07 § 1)

Section 2.56.080 Layoffs, suspension and termination.

A. A full-time employee who is laid off from his or her position for reasons that are not discreditable to him or her may, if reappointed within twelve (12) months, have available for his or her necessary use any unused sick leave existing at the time of his or her layoff. When any full-time employee is transferred to another position, any unused sick leave which may have accumulated to his or her credit shall continue to be available for his or her use as necessary.

B. Order of Layoff. Layoff of employees shall be made in inverse order determined on the basis of the length of service in the class and in the department.

C. Suspension. An employee may be suspended without pay for a period not to exceed five days by his or her department head with the acknowledgement of the City Manager for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absences or other justifiable reasons when alternate personnel actions are not appropriate. Employees shall be furnished written notice of the effective date containing the nature of the proposed action.

D. Pre-Termination Procedures. Any nonprobationary employee shall be entitled to certain procedures prior to discharge for cause. A nonprobationary employee shall, prior to discharge for cause, receive a written notice of the charges against him or her and an explanation of the evidence against him or her. The employee may, within three working days, request in writing an opportunity to respond to the charges. If such a request is made, the department head shall conduct as soon as possible an informal hearing to allow the employee to respond to the charges orally and/or in writing. Upon conclusion of the hearing, the department head shall inform the employee of his or her decision in writing. The employee may appeal in writing to the City Manager within three working days after receipt of the decision. The City Manager shall make such investigation and conduct such hearings as he or she may deem necessary and shall inform the employee, in writing, of his or her findings and decisions. (2015-07 § 1)

Section 2.56.090 Compensation limited by budget.

No provision of this chapter shall be construed as authorizing any increase in salary or wage during a fiscal year which would result in exceeding the amount budgeted for such purpose. (Ord. 2015-07 § 1)

Section 2.56.100 Retirement.

A. All full-time employees are urged to be members of and to pay their specified fees to either IMRF, police pension fund, or fire pension fund. These pension programs are established and controlled by state statute, which requires the participation of all full-time employees.

B. Salary Increase for Non-bargaining Unit IMRF Employees Eligible to Retire. Any non-bargaining unit employee that is a participant in the Illinois Municipal Retirement Fund who is eligible to retire with at least twenty-five (25) years of service with the City of Olney as of the date of retirement and meets all other requirements for a pension under the Illinois Municipal Retirement Fund shall receive a two per cent (2%) wage increase added to the base pay of the employee as established by Ordinance passed by the City Council from time to time for not more than forty-eight (48) months prior to retirement. In order to be eligible for the two per cent (2%) wage increase, the employee must submit an irrevocable letter of retirement setting the date of retirement. The date of retirement may be changed

as long as the new date of retirement is prior to the originally scheduled retirement date.

C. Salary Increase for Non-Bargaining Unit Fire Pension Fund or Police Pension Fund Employees Eligible to Retire. Any non-bargaining unit employee that is a participant in the Fire Pension Fund or Police Pension Fund who is eligible to retire with at least twenty (20) years of service with the City of Olney as of the date of retirement and meets all other requirements for a pension under the Fire Pension Fund or Police Pension Fund shall receive a two per cent (2%) wage increase added to the base pay of the employee as established by Ordinance passed by the City Council from time to time for not more than forty-eight (48) months prior to retirement. In order to be eligible for the two per cent (2%) wage increase, the employee must submit an irrevocable letter of retirement setting the date of retirement. The date of retirement may be changed as long as the new date of retirement is prior to the originally scheduled retirement date. (2015-07 § 1)

Chapter 2.60

DRUG-FREE WORKPLACE POLICY

Sections:

2.60.010	Statement.
2.60.020	Policy and procedures.
2.60.030	Notice to employees.
2.60.040	Notice to agencies.
2.60.050	Assistance to employees.
2.60.060	Good faith effort.

Section 2.60.010 Statement.

The City seeks to have a drug-free workplace. In order to promote drug-free awareness among employees, the City, through the distribution of this chapter to all City employees, the posting of this chapter and other notices, and discussions with employees regarding this policy, will inform employees that:

A. Drug abuse in the workplace creates a dangerous environment in the workplace for the employees engaged in the drug abuse and endangers the health, safety and welfare of all employees and other persons in the workplace;

B. It is the policy of the City to maintain a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, or acting under the influence of a controlled substance, in a workplace controlled by the City or while performing work for the City is strictly prohibited;

C. Information will be available on a confidential basis on public and private drug counseling, rehabilitation, and employee assistance programs, upon the request of any employee;

D. Penalties may be imposed upon employees for drug abuse violations, up to and including termination of employment. (Ord. 95-18 § 1)

Section 2.60.020 Policy and procedures.

A. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, including cannabis, or acting under the influence of a controlled substance, in a workplace controlled by the City or while performing work for the City is prohibited. Appropriate disciplinary actions, which may include termination, will be taken against City employees for violations of this prohibition.

"Controlled substance" for purposes of this chapter means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act.

B. As a condition of employment, each employee of the City shall:

1. Agree in writing to abide by the terms of this chapter respecting the City's drug-free workplace policy; and

2. Notify the City through his or her supervisor of his or her criminal drug statute conviction for any violation occurring in the workplace no later than five days after such conviction.

a. "Conviction" means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with determining violations of the federal or state criminal drug statutes.

b. "Criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

C. If the criminal drug statute violation occurred during the employee's working hours with the City, a sanction will be imposed on the employee so convicted. Within thirty (30) days after receiving notice of

the conviction:

1. The City will take appropriate disciplinary action against such employee, up to and including termination; or
2. The City will require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state, or local health, law enforcement or other appropriate agency. (Ord. 95-18 § 2)

Section 2.60.030 Notice to employees.

The City shall provide a copy of this chapter to each employee and shall post a copy of the chapter in a prominent place in each workplace. (Ord. 95-18 § 3)

Section 2.60.040 Notice to agencies.

The City shall notify the appropriate federal or state agency from which the City receives contract or grant funds within ten days after receiving notice from an employee pursuant to Section 2.60.020(B) (2) or otherwise receiving actual notice of such conviction. (Ord. 95-18 § 4)

Section 2.60.050 Assistance to employees.

The City will provide assistance to employees in selecting a course of action in the event drug counseling, treatment and rehabilitation are required. (Ord. 95-18 § 5)

Section 2.60.060 Good faith effort.

The City will make a good faith effort to continue to maintain a drug-free workplace through implementation of the Drug Free Workplace Act. (Ord. 95-18 § 6)

Chapter 2.64

DRUG AND ALCOHOL ABUSE POLICY*

Sections:

2.64.010 Adoption of Drug & Alcohol Abuse Policy.

* **Editor's Note:** The attachments mentioned throughout this chapter are attached to the ordinance codified in this chapter, which is on file in the City Clerk's office.

Section 2.64.010 Adoption of Drug & Alcohol Abuse Policy.

A certain document, one copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the Drug & Alcohol Abuse Policy, be, and is hereby, adopted as the Drug & Alcohol Abuse Policy of the City of Olney in the State of Illinois; and each and all of the regulations, provisions, penalties, conditions, terms, and attachments of said Drug & Alcohol Abuse Policy on file in the Office of the City Clerk of the City of Olney, are referred to, adopted and made a part hereof as if fully set out in this chapter. (Ord. 2001-40, Sec. 2)

Chapter 2.68

EMPLOYEE DRUG TESTING

Sections:

2.68.010	Definitions.
2.68.020	Drugs to be tested for.
2.68.030	Employee testing--General standard.
2.68.040	Supervisor training.
2.68.050	Prior notice of testing policy.
2.68.060	Consent.
2.68.070	Refusal to consent.
2.68.080	The right to a hearing.
2.68.090	Mandatory employee assistance program (EAP) referral.
2.68.100	Confidentiality of test results.
2.68.110	Privacy in drug testing.
2.68.120	Laboratory testing requirements.
2.68.130	Policy on dilute specimens.

Section 2.68.010 Definitions.

As used in this chapter:

"Municipality" means the City of Olney.

"Reasonable suspicion" means an articulable belief based on specific objective facts and reasonable inferences drawn from those facts.

"Under the influence" means having the presence of a drug or alcohol at or above the level of a positive test result. (Ord. 95-19 § 1)

Section 2.68.020 Drugs to be tested for.

When drug and alcohol screening is required under the provisions of this policy, a breath test will be given to detect the presence of alcohol and a urinalysis test will be given to detect the presence of the following drugs:

- A. Amphetamines (e.g., speed);
- B. Cocaine;
- C. Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone);
- D. Phencyclidine (PCP);
- E. THC (Marijuana). (Ord. 95-19 § 2)

Section 2.68.030 Employee testing--General standard.

A. The municipality may require a current employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
2. Information of recent drug use provided by a reliable and credible source;
3. Direct observation of drug or alcohol use; or
4. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

B. Supervisors are required to detail in writing the specific facts, symptoms or observations which

formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee. The facts underlying the determination of reasonable suspicion should be disclosed to the employee at the time the demand is made. (Ord. 95-19 § 3)

Section 2.68.040 Supervisor training.

The municipality shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors to recognize the conduct and behavior giving rise to a reasonable suspicion of drug or alcohol use, to identify employees who need drug counseling and employee assistance programs, and to be aware of those employees who pose an immediate safety threat. (Ord. 95-19 § 4)

Section 2.68.050 Prior notice of testing policy.

The municipality shall provide written notice of its drug and alcohol testing policy to all employees. The notice shall contain the following information:

- A. The need for drug and alcohol testing;
- B. The circumstances under which testing may be required;
- C. The procedure for confirming an initial positive test result;
- D. The consequences of a confirmed positive test result;
- E. The consequences of refusing to undergo a drug and alcohol test;
- F. The right to explain a positive test result and the appeal procedures available; and
- G. The availability of drug abuse counseling and referral services. (Ord. 95-19 § 5)

Section 2.68.060 Consent.

A. Before a drug and alcohol test is administered, employees will be asked to sign a consent form authorizing the test and permitting the release of test results to those municipal officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the municipality's drug testing policy. Employees may at this time provide a list of those medications that he or she has recently used. The list of medications, if provided, shall be sealed and held as confidential until there has been a positive test result. In the event of a confirmed positive test result, the list of medications shall only be disclosed to the medical official who will determine whether the positive result was due to the lawful use of any of the listed medications. Employees may choose to provide such a list after being notified of a confirmed positive result.

- B. The consent form shall also set forth the following information:
1. The procedure for confirming an initial positive test result;
 2. The consequences of a confirmed positive test result;
 3. The right to explain a confirmed positive test result and the appeal procedure available; and
 4. The consequences of refusing to undergo a drug and alcohol test. (Ord. 95-19 § 6)

Section 2.68.070 Refusal to consent.

An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. An employee, upon written request to the appropriate department head within three days of his or her refusal, shall be entitled to a hearing prior to the municipality's decision that such refusal warrants disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. (Ord. 95-19 § 7)

Section 2.68.080 The right to a hearing.

- A. If an employee's positive test result has been confirmed, the employee is entitled to a hearing

prior to any disciplinary action taken by the municipality. The hearing should be conducted by an official who did not take part in the initial decision to require the drug test. The employee must make a written request for a hearing to the appropriate department head or designee within three days of receipt by the employee of the confirmed test results. Employees may be represented by legal counsel, present evidence and witnesses on their behalf, and confront and cross-examine any witnesses testifying against them.

B. No adverse personnel action may be taken against an employee based on a confirmed positive drug test result unless the hearing officer finds by a preponderance of the evidence that:

1. The employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job; and
2. The employee's drug test results are accurate.

C. Within seven days following the close of the hearing, the hearing officer shall issue a written decision and brief summary of the facts and evidence supporting that decision. (Ord. 95-19 § 8)

Section 2.68.090 Mandatory employee assistance program (EAP) referral.

Upon the first confirmed determination that an employee has been under the influence of drugs or alcohol, the municipality shall refer the employee to an employee assistance program (EAP) for assessment, counseling and rehabilitation unless the employee's drug or alcohol use has resulted in an accident serious enough to warrant dismissal. Participation in an EAP is voluntary and no disciplinary action may be taken against an employee for failure to begin or complete an EAP program. Disciplinary action based on a violation of the municipality's drug and alcohol policy is not automatically suspended by an employee's participation in an EAP and may be imposed when warranted.

Voluntary participation in an EAP prior to a confirmed positive test result is encouraged. No disciplinary action will be brought as a result of volunteering to participate in such a program. Employees who, prior to a positive test result, voluntarily identify themselves as drug or alcohol users and obtain counseling and rehabilitation through the municipality's EAP shall not be disciplined for their drug and/or alcohol use if they thereafter refrain from violating the municipality's policy on drug and alcohol abuse. All employees, however, can be disciplined for any incidents resulting from their violation of the municipality's policy on drug and alcohol abuse. (Ord. 95-19 § 9)

Section 2.68.100 Confidentiality of test results.

All information from an employee's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee. The results of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. (Ord. 95-19 § 10)

Section 2.68.110 Privacy in drug testing.

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees may not be viewed while providing the sample. Employees will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples. (Ord. 95-19 § 11)

Section 2.68.120 Laboratory testing requirements.

All drug and alcohol testing of employees shall be conducted at medical facilities or laboratories selected by the municipality. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. The municipality shall not select a test facility that does not employ:

- A. Testing procedures that ensure privacy to employees and applicants consistent with the

prevention of tampering;

B. Methods of analysis that ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;

C. Chain-of-custody procedures that ensure proper identification, labeling and handling of test samples; and

D. Retention and storage procedures that ensure reliable results on confirmatory tests of original samples. (Ord. 95-19 § 12)

Section 2.68.130 Policy on dilute specimens.

A. "Dilute specimen" means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

B. The City shall treat a verified positive drug test result that is dilute the same as a verified positive drug test result.

C. The City shall have a second collection conducted on all negative dilute test results. The second collection shall not be conducted under direct observation. The second test result shall be the test of record. The City shall inform all employees in advance of the City's policy to conduct second collections on all negative dilute test results. All employees shall be treated the same. (Ord. 09-01 § 2)

Chapter 2.72

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

Sections:

- 2.72.010** **Grievance Procedure under the Americans with Disabilities Act.**
2.72.020 **Records.**

Section 2.72.010 **Grievance Procedure under the Americans with Disabilities Act.**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Olney, Illinois. The City of Olney’s Personnel Rules and Regulations (Chapter 2.56) governs employment-related complaints of disability discrimination.

A. The complaint should be in writing and contain information about the alleged discrimination, such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

B. The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than sixty (60) calendar days after the alleged violation to the ADA Coordinator at the Office of the City Clerk, 300 S. Whittle Avenue, Olney, Illinois 62450, Phone number: (618) 395-7302, Office hours: 8:00 a.m. to 4:00 p.m.

C. Within fifteen (15) calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Olney and offer options for substantive resolution of the complaint.

D. If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within fifteen (15) calendar days after receipt of the response to the City Manager of the City of Olney or his/her designee.

E. Within fifteen (15) calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

(Ord. 10-04 § 1: Ord. 84-32 § 1)

Section 2.72.020 **Records.**

All written complaints received by the ADA Coordinator or his/her designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the City of Olney for at least three (3) years. (Ord. 10-04 § 2: Ord. 84-32 § 2)

Chapter 2.76

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Sections:

- 2.76.010** Use of City vehicles.
- 2.76.020** Mileage allowance for use of private automobiles.
- 2.76.030** Take home vehicle policy.

Section 2.76.010 Use of City vehicles.

Proper and efficient operation of a motor vehicle requires that only trained, qualified and authorized personnel operate City vehicles and equipment. Use of such equipment can result in property damage to the City equipment or other property, and injury to City employees and other persons. For this reason employees and department heads are strictly accountable for violations of safety orders and other regulations governing the operation of City equipment.

City vehicles are for official use only. This rule applies both to operation of City vehicles during regular working hours, and to those assigned to employees for overnight use because of the emergency or stand-by nature of their duties. Use of City vehicles for other than official City business is not only illegal but also extremely detrimental to the public's opinion of its public officials and employees. (Ord. 98-130 § 3: prior code § 35.09)

Section 2.76.020 Mileage allowance for use of private automobiles.

All officers and employees who are authorized to use a private automobile (including van, pickup or panel truck) in city business shall be reimbursed in the amount of the current standard mileage rate as adopted by the Internal Revenue Service for the use of a private automobile (including van, pickup or panel truck) for business miles driven on city business. Travel to and from an officer or employee's residence and the employee's principal place of employment with the city shall not be included. (Ord. 06-1, Sec. 1: Ord. 01-25, Sec. 1: Ord. 99-59, Sec. 1)

Section 2.76.030 Take home vehicle policy.

A. General Policy. The decision to allow a City employee to take a City-owned vehicle home shall be based on a determination that the use of the take home vehicle will be beneficial to the delivery of services to the citizens of Olney.

B. Criteria. Reasons to allow an employee to take home a City-owned vehicle shall include, but not be limited to, the following:

1. Twenty-four (24) hour on-call status for emergency response in vehicle with special equipment, tools, parts, lighting, markings, etc.
2. To facilitate attendance at work functions at locations and/or times where it would be more productive to attend job activity while proceeding to and from work without having to obtain a City-owned vehicle from a specific work station (i.e., evening meetings, travel out of town, job site inspections, and call-out evaluations).
3. To promote a greater sense of security in the community (i.e., allowing public safety vehicles to be driven home).
4. As a component of compensation, part of a benefit package (instead of pay) or as part of an employment agreement.
5. As a trade off to paying a set rate for mileage when using a private vehicle for City business (after a cost-benefit analysis between paying mileage vs. providing a take home vehicle).

C. Business Use Only. Take home vehicles shall be used for City business only. Personal use of

take home vehicles is prohibited.

D. Residence Outside City Limits. Whether or not an employee lives within the City limits may be a consideration regarding take home vehicles, however, if it has been determined that it is necessary that an employee take home a vehicle for the efficient and effective provision of service to the citizens, such a distinction may not be relevant.

E. Administration of Policy. The City Manager shall administer the policy set forth in this Section, including the evaluation of the various criteria in making a decision to allow an employee to take a City-owned vehicle home on a relevant basis. (Ord. 06-1, Sec. 2)

Chapter 2.80

POLICY PROHIBITING SEXUAL HARASSMENT

Sections:

2.80.010	Prohibition on Sexual Harassment.
2.80.020	Definition of Sexual Harassment.
2.80.030	Procedure for Reporting An Allegation of Sexual Harassment.
2.80.040	Prohibition on Retaliation for Reporting Sexual Harassment Allegations.
2.80.050	Consequences of a Violation of the Prohibition on Sexual Harassment.
2.80.060	Consequences for Knowingly Making a False Report.

Section 2.80.010 Prohibition on Sexual Harassment.

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of **CITY of OLNEY** to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof. (Ord. 2018-01)

Section 2.80.020 Definition of Sexual Harassment.

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Conduct which may constitute sexual harassment includes:

Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.

Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.” (Ord. 2018-01)

Section 2.80.030 Procedure for Reporting An Allegation of Sexual Harassment.

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

Electronic/Direct Communication. If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

Resolution Outside Municipality. The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant’s willing cooperation is a vital component of an effective inquiry and an appropriate outcome. (Ord. 2018-48: Ord. 2018-01)

Section 2.80.040 Prohibition on Retaliation for Reporting Sexual Harassment Allegations.

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee’s:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any

municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,

2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or

3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within 300 days of the alleged retaliation. (Ord. 2018-48: Ord. 2018-01)

Section 2.80.050 Consequences of a Violation of the Prohibition on Sexual Harassment.

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency. (Ord. 2018-01)

Section 2.80.060 Consequences for Knowingly Making a False Report.

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal

policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation. (Ord. 2018-01)

Chapter 2.84

STATE OFFICIALS AND EMPLOYEES ETHICS ACT

Sections:

- 2.84.010 Adoption of act.**
- 2.84.020 Solicitation or acceptance of gifts prohibited.**
- 2.84.030 Offering or making of gifts prohibited.**
- 2.84.040 Participation in political activities prohibited.**
- 2.84.050 Definitions.**
- 2.84.060 Penalties.**
- 2.84.070 Effect of this chapter.**
- 2.84.080 Future amendments to state officials and employees ethics act.**
- 2.84.090 Future declaration of unconstitutionality of state officials and employees ethics act.**

Section 2.84.010 Adoption of act.

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 Chapter) are hereby adopted by reference and made applicable to the officers and employees of the City of Olney to the extent required by 5 ILCS 430/70-5. (Ord. 04-16, Sec. 1)

Section 2.84.020 Solicitation or acceptance of gifts prohibited.

The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by an officer or any employee of the City of Olney, is hereby prohibited. (Ord. 04-16, Sec. 1)

Section 2.84.030 Offering or making of gifts prohibited.

The offering or making of gifts prohibited to be offered or made under the Act, to an officer or employee of the City of Olney, is hereby prohibited. (Ord. 04-16, Sec. 1)

Section 2.84.040 Participation in political activities prohibited.

The participation in political activities prohibited under the Act, by any officer or employee of the City of Olney, is hereby prohibited. (Ord. 04-16, Sec. 1)

Section 2.84.050 Definitions.

For purposes of this Chapter, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c). (Ord. 04-16, Sec. 1)

Section 2.84.060 Penalties.

The penalties for violations of this Chapter shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act. (Ord. 04-16, Sec. 1)

Section 2.84.070 Effect of this chapter.

This Chapter does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City of Olney officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Chapter, however, the provisions of this Chapter shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a). (Ord. 04-16, Sec. 1)

Section 2.84.080 Future amendments to state officials and employees ethics act.

Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Chapter 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 Chapter by reference without formal action by the corporate authorities of the City of Olney. (Ord. 04-16, Sec. 1)

Section 2.84.090 Future declaration of unconstitutionality of state officials and employees ethics act.

A. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Chapter shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Chapter shall be deemed repealed without further action by the corporate authorities of the City of Olney if the Act is found unconstitutional by the Illinois Supreme Court.

B. 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 Chapter shall remain in full force and effect; however, that part of this Chapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City of Olney. (Ord. 04-16, Sec. 1)

Chapter 2.88

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Sections:

2.88.010 Adoption of Equal Employment Opportunity Policy

Section 2.88.010 Adoption of Equal Employment Opportunity Policy

It is the policy of the City of Olney to provide equal opportunity for all qualified persons and not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, veteran status, disability, or any other protected status.

This policy applies to recruitment and placement, promotion, training, transfer, retention, rate of pay and all other details and conditions of employment.

Employment and promotion decisions will be based on merit and the principle of furthering equal opportunity. The requirements that are imposed in filling a position will be those that validly relate to the job performance required.

All other personnel actions, including compensation, benefits, transfers, layoffs, recalls from lay-offs, training, and education will be administered without regard to race, color, religion, sex, age, national origin, veteran status, disability, or any other protected status, in accordance with appropriate law. (Ord. 04-33, Sec. 1)

Chapter 2.92

EMERGENCY MANAGEMENT

Sections:

2.92.010 National incident management system.

Section 2.92.010 National incident management system.

- A. To the fullest extent permitted under law, the City Council adopts and hereby declares the National Incident Management System (NIMS) to be the public policy of the City.
- B. It shall be the policy of the City of Olney to train public officials and employees pursuant to the NIMS.
- C. The City Manager shall periodically recommend such revisions or additions to this Chapter as may be deemed required by the NIMS. (Ord. 10-01 § 1)

Chapter 2.94

SOCIAL MEDIA POLICY

Sections:

2.94.010	Purpose.
2.94.020	Professional use.
2.94.030	Oversight and enforcement.
2.94.040	Records retention.
2.94.050	Moderation of third party content.
2.94.060	Public records law.

Section 2.94.010 Purpose.

This document defines the social networking and social media policy for the City of Olney. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, the City and its related departments/boards/commissions may consider using social media tools to reach a broader audience. The City encourages the use of social media to further City goals and the missions of its departments, where appropriate. This policy establishes guidelines for the use of City social media. (Ord. 2014-30 § 1)

Section 2.94.020 Professional use.

A. All official City-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with the City's communications policy, practices and expectations. Employees must not use official agency social media for political purposes, to conduct private commercial transactions, or to engage in private business activities.

B. City employees should be mindful that inappropriate use of official City social media sites can be grounds for disciplinary action. If social media sites are used for official City business, the entire City site, regardless of any personal views, is subject to best practices guidelines and standards.

C. Only individuals authorized by the City may publish content to a City site. (Ord. 2014-30 § 1)

Section 2.94.030 Oversight and enforcement.

A. Employees/board members/commission members representing the City through social media outlets or participating in social media features on City websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in City social media sites and features.

B. Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms.

C. City employees recognize that the content and messages they post on social media sites are public and may be cited as official City statements. Social media should not be used to circumvent other agency communication policies.

D. City employees may not publish information on City social media sites that include:

1. Confidential information;
2. Copyright violations;
3. Profanity, racist, sexist, or derogatory content or comments;
4. Partisan political views; or
5. Commercial endorsements or SPAM. (Ord. 2014-30 § 1)

Section 2.94.040 Records retention.

Social media sites contain communications sent to or received by the City and its employees, and such communications are therefore public records subject to the Freedom of Information Act (FOIA). These retention requirements apply regardless of the form of the record (digital text, photos, audio, and video). The Department maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

A. Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.

B. Social media records are maintained in an authentic format along with complete metadata.

C. Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.

D. Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).

E. Each employee who administers one or more social networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed. (Ord. 2014-30 § 1)

Section 2.94.050 Moderation of third party content.

A. All published City social media content is subject to monitoring.

B. User-generated posts will be rejected or removed, if possible, when the content of a post:

1. is off-subject or out of context;
2. contains obscenity or material that appeals to the prurient interest;
3. contains personal identifying information or sensitive personal information;
4. contains offensive terms that target protected classes;
5. is threatening, harassing or discriminatory;
6. incites or promotes violence or illegal activities;
7. contains information that reasonably could compromise public safety;
8. advertises or promotes a commercial product or service, or any entity or individual; or
9. promotes or endorses political campaigns or candidates. (Ord. 2014-30 § 1)

Section 2.94.060 Public records law.

City social media sites are subject to applicable public records laws. Any content maintained in a social media format related to City business, including communication posted by the City and communication received from citizens, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any public records request for social media content. (Ord. 2014-30 § 1)

Chapter 2.96

ELECTRONIC MAIL ("E-MAIL") RETENTION POLICY

Sections:

2.96.010	Purpose.
2.96.020	Scope.
2.96.030	Appropriate use.
2.96.040	Retention.
2.96.050	Regular review of e-mail files is essential.
2.96.060	Destruction of records.
2.96.070	Responding to FOIA requests for e-mail records.
2.96.080	Copies of e-mails.
2.96.090	Review.

Section 2.96.010 Purpose.

A. The purpose of this Chapter is to establish an e-mail policy for all municipal offices that create, use, and manage e-mail as part of the daily transaction of business. Additionally, this policy will set forth some general guidelines as to what constitutes a “public record” and “appropriate for preservation”. Ultimately, all municipal e-mails need to be identified for administrative, legal, financial and historical values to ensure that:

1. Valuable records are adequately preserved and can be easily identified and retrieved as needed;
2. Non-records are deleted on a regular basis; and
3. Obsolete records are destroyed in accord with authorized records retention schedules and after approval is received from the Local Records Commission.

B. This policy is not intended to discourage the use of e-mail to conduct municipal business, but rather to establish a system for storage, deletion and access to e-mail records in a manner consistent with other municipal records. (Ord. 2014-39 § 1)

Section 2.96.020 Scope.

This policy applies to all e-mail communications and e-mail attachments circulated within the municipality. (Ord. 2014-39 §1)

Section 2.96.030 Appropriate use.

A. E-mail use within the municipality shall be used for official business only. Both staff and elected or appointed officials are strongly urged to conduct all municipal business on municipally-owned or controlled computers (or to use municipal or municipally accessible data storage if working from a personal computer), and to send e-mail related to municipal matters only from their municipal e-mail accounts. All staff and elected officials should be aware that municipal-related email sent through personal accounts may still be municipal records subject to state records and sunshine laws, and they are urged to avoid using personal accounts if at all possible. In the event e-mail must be sent from a personal account, a copy should be sent simultaneously to your municipal account so that it can be accessed, if needed, and stored in the municipal system.

B. Users should take note that the information generated on e-mail, unless otherwise exempt, will be subject to Freedom of Information Act (FOIA) requests and public inspection. Therefore, it is good practice to avoid mixing extensive social discussion with work correspondence. This will make it easier to eliminate non-record e-mails and to avoid having to produce records that also include your unofficial conversations. (Ord. 2014-39 §1)

Section 2.96.040 Retention.

A. Depending on the content of an e-mail, it may be considered a public record. Accordingly, employees and officials have the same responsibilities for e-mail messages as they do for any other public record and must distinguish between record and non-record information. Generally, e-mail messages are temporary communications which are non-vital and may be discarded routinely. Non-record messages should be deleted from files as soon as they have fulfilled their purpose. These are records that are not required to be kept under law or whose preservation is not necessary or convenient to conduct municipal business. They are likely to be informal, and tend to be of short-lived significance, without historical or public importance after they have fulfilled their purpose. Examples include:

1. Route requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies.
2. Letters of transmittal that do not add any information to that contained in the transmitted material.
3. Quasi-official notices including memorandum and other records that do not serve as the basis of official actions (i.e., holiday notices, meeting confirmations, etc.).
4. Messages containing draft documents after a final document is completed and notes and interoffice correspondence unless there is a strong operational reason for retaining them.
5. Duplicate copies of correspondence or documents, and reproductions of non-original source material.
6. Personal e-mail messages and announcements not related to municipal business.
7. Copies or extracts of documents e-mailed for convenience or reference.

B. On the other hand, messages determined by users to be records should be properly preserved and disposed of as specified in the municipality's approved records retention schedule. Example of messages considered to be records might include:

1. Final policy documents.
2. Contract-related documents and other agreements or official action.
3. Documents that set policy, establish guidelines or procedures, certify a transaction or become a receipt.
4. E-mail created or received by municipal employees in connection with facilitating municipal business or action, such as initiating, authorizing or completing a transaction in connection with municipal business.
5. E-mail that provides substantive comments on an action taken by the municipality (i.e., comments add to a proper understanding of the execution of the final municipal action).
6. E-mail providing documentation of significant official decisions and commitments reached orally and not otherwise documented in the municipality's files.

C. Factors to consider in deciding whether a document is a record are:

1. "Pursuant to Law": Those documents which are created "pursuant to law" such as annexation agreements, contracts and the like would be the type of document meant to be preserved. Similarly, all ordinances, resolutions, agendas, minutes and the like are created "pursuant to law" as well as serving as historical documents. The final version of these, however, are unlikely to be found only in e-mail, and you are not required to keep e-mail that merely transmits these final documents if the documents themselves have been preserved elsewhere.

2. Transaction of Public Business: Does the document pertain to the transaction of public business? Those which do not relate to public business such as personal notes, jokes and e-mails scheduling lunch and the like may be safely deleted. Internal documents created by employees on work-related topics, which do not facilitate actions, such as transmittal notes, notifications, announcements, etc., may be discarded.

3. Evidence of Function and Informational Data: Is the material "evidence" of your "function, policies, decisions, procedures or other activities"? Does it contain value to the municipality? Does it document financial transactions? Does it document work or salary history? If the documentation reflects official actions or states policy interpretation or final decisions or actions, then this is a "record" to be retained. Individual staff input or comments developing policy are not necessarily sufficient

evidence to merit retention unless there are reasonable operational (as opposed to record retention) arguments in favor of their retention. However, if e-mail is the only record of a final policy or action taken, or documents a policy determination or interpretation, it should be preserved.

4. Documentary Material: Is the document official documentary material? Most e-mails are temporary communications that may be leading to final decision making but are not themselves vital documentation of final municipal action. These may be safely discarded. A final letter is a document “appropriate for preservation”, while drafts are not. Since FOIA permits withholding of “preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated” unless a specific record or portion is publicly cited and identified by the head of the public body, it is acceptable to delete early versions and discussions unless staff wishes to keep them for internal operating or policy reasons. Is the document an original created for the municipality or is it simply a copy of a document created for some other purpose? For instance, non-original source material such as newspaper and magazine articles need not be retained. Duplicate records need not be retained. Similarly, if there is a long e-mail string, only one final copy of the entire string needs to be preserved.

5. Historical Record and Appropriate for Preservation: Is there historical significance to a document? Does it provide evidence of the function, policies, decisions, procedure or other activities of the municipality itself or shed light on policy interpretation of the municipality rather than reflecting only an individual’s thoughts within it or does it have some other importance? Does keeping or discarding it further the goal of the Local Records Act (LRA) for the “efficient and economical management of local records”? Is the e-mail something that will rapidly become stale without reflecting the “function, policies, decisions and procedures” once the matter is finalized? If so, just keep the final document. (Ord. 2014-39 §1)

Section 2.96.050 Regular review of e-mail files is essential.

If a message is determined to be a record, it either should be printed fully, including time, date, sender and receiver) and retained in paper format, then deleted from the electronic system or it should be transferred to the appropriately identified electronic file. Message review and printing or transfer should take place on a regular basis and no less frequently than every 30 days. (Ord. 2014-39 §1)

Section 2.96.060 Destruction of records.

Even if a document is a record, it need not be kept forever. The LRA sets up timetables within which records may be destroyed. The municipality should refer to its own Records Retention Schedule to determine how long a particular record must be retained. If a Records Retention Schedule does not cover a particular record, the Local Records Commission should be contacted by the municipality in order to gain assistance in:

1. Updating an inventory of the documents that exist within the municipality;
2. Determining the amount of time each category of records must be retained; and
3. Obtaining approval of the retention periods assessed to each record. (Ord. 2014-39 §1)

Section 2.96.070 Responding to FOIA requests for e-mail records.

A. If an e-mail falls within the definition of a public record it may not be destroyed, except as provided in the municipality’s record retention schedule. Further, these e-mails should be reviewed by the FOIA officer prior to release under FOIA so that any exempt information contained in them may be redacted or otherwise identified.

B. If in doubt as to whether an e-mail message is a public record or contains exempt information, consult the municipal attorney. (Ord. 2014-39 §1)

Section 2.96.080 Copies of e-mails.

For internal e-mail communication between a sender and an internal recipient, the sender's copy is designated as the copy of record. In other words, it is the sender's copy to which any retention requirements should apply. In the event of a long string, the sender should print the entire string of messages. All other copies are merely "duplicates" and can be disposed of at will. For e-mail received from or sent to external sources, the municipal sender or recipient will need to retain one completed copy of the correspondence. (Ord. 2014-39 §1)

Section 2.96.090 Review.

A periodic review of this policy shall be undertaken to keep the policy current with best practices and new technology. (Ord. 2014-39 §1)