

CHAPTER 1.

GOVERNMENT ORGANIZATION

- ARTICLE 1. ORGANIZATION OF CODE
- ARTICLE 2. SEAL, FISCAL YEAR, OFFICIAL TIME,
CHARGES FOR RECORDS
- ARTICLE 3. VILLAGE PRESIDENT
- ARTICLE 4. BOARD OF TRUSTEES
- ARTICLE 5. RULES OF ORDER AND PROCEDURES
- ARTICLE 6. VILLAGE CLERK
- ARTICLE 7. PUBLIC RECORDS
- ARTICLE 8. ETHICAL CONDUCT
- ARTICLE 9. CIVIL EMERGENCIES

CHAPTER 1.

GOVERNMENT ORGANIZATION

ARTICLE 1. ORGANIZATION OF CODE.

SECTION

- 1-1-1: Title.
- 1-1-2: Acceptance.
- 1-1-3: Amendments
- 1-1-4: Recording Amendments and Revisions.
- 1-1-5: Numbering of Sections.
- 1-1-6: Numbering of Additions.
- 1-1-7: Distribution of Code.
- 1-1-8: Construction of Words.
- 1-1-9: Reference to Section Numbers.
- 1-1-10: Amendment of Section Subject to Penalty.
- 1-1-11: General Penalty.
- 1-1-12: Offense Having Two Penalties.
- 1-1-13: Repeal of General Ordinances.
- 1-1-14: Court Proceedings.
- 1-1-15: Repeal of Repealing Ordinances.
- 1-1-16: Invalidation of Part.
- 1-1-17: Liability of Employers and Agents.
- 1-1-18: Intent.
- 1-1-19: Alternative Penalties - Compliance Warning Tickets.

1-1-1: TITLE: Upon adoption by the Board of Trustees, such portions of this Village Code, as are from time to time passed, shall be declared to be and shall hereafter constitute the official "Municipal Code of Bridgeview." The passage of this code or portions thereof shall not effect the continuing validity of prior ordinances of the Village with which this code is not in conflict. Any reference made to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter and Article heading, and to the general penalty clause relating thereto, as well as the Section itself, when reference is made to this Municipal Code by title in any legal document.

1-1-2: ACCEPTANCE: This Municipal Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of Bridgeview of general and permanent effect.

1-1-3: AMENDMENTS: Any additions or amendments to this code, when passed in such form as to indicate the intention of the Board of Trustees to make the same a part

hereof, shall be deemed to be incorporated in this code so that a reference to the "Municipal Code of Bridgeview" shall be understood as including them.

1-1-4: **RECORDING AMENDMENTS AND REVISIONS:** The Village Clerk shall keep at least one copy of the Municipal Code of Bridgeview. The code shall be printed, pasted or otherwise mounted on paper sufficiently thick and durable to withstand heavy usage, and preserved by the Village Clerk in a book or binder in loose leaf form, or in such other form as the Village Clerk may consider most expedient. Whenever any ordinance which amends or makes an addition to the code is passed and approved, the Village Clerk shall note on the margin of the section or sections amended that such amendment has been made with reference to the ordinance number and its date of passage. All amendments thereto and all general ordinances hereafter passed shall be inserted in their appropriate places in such volume, and all sections of this code or ordinances repealed from time to time may be extracted therefrom and notation duly made of such extraction for the purpose of maintaining said code in such condition that it will show all general ordinances passed up to date at any time in such manner that ready reference may be had thereto. Failure to insert any properly passed ordinance within the Municipal Code shall not invalidate or make ineffective such ordinance so long as the passage of the ordinance was properly noted in the minutes of the Village Board, such ordinance was retained in a book kept for such purpose and it was published in a newspaper or in book or pamphlet form where such publication is required by statute.

In determining whether or not any ordinance hereafter passed, or any part thereof, shall be inserted in such code, and in determining the form, chapter, or section in which it shall be inserted, and in determining what shall be taken out, if any doubt arises, the Village Clerk shall be guided by the advice of the Village Attorney.

1-1-5: **NUMBERING OF SECTIONS:** Each section number shall consist of three component parts separated by a dash. The first figure shall refer to the chapter number, the second figure to the article number and the third figure number shall refer to the position of the section within the article.

No officer or employee of the Village shall issue any book or pamphlet containing any section or sections of this code numbered differently than as numbered herein; and no section number shall be changed by such officer or employee in drafting any ordinance amending any section.

1-1-6: **NUMBERING OF ADDITIONS:** The decimal system shall be used for all additions to this code. When a chapter is to be added, said new chapter shall be given a decimal character. All such decimal characters shall run consecutively to the right of the respective decimal beginning with the figure "one". Where necessary, letters may be added to sections such as 1-1-6(a) and 1-1-6(b).

In case any amendment is passed without having been properly numbered, the Village Clerk, before

the next regular meeting of the Board of Trustees, shall refer the same to the Village Attorney for appropriate action.

This section shall be liberally construed for the purpose of avoiding confusion in the numbering of sections of this code.

1-1-7: **DISTRIBUTION OF CODE:** All printed copies of this code belonging to the Village shall be deposited with the Village Clerk. The Village Clerk shall deliver one copy thereof to the Village President, each member of the Board of Trustees, the Village Attorney, and copies to such other persons as the Village Board may direct.

The Village Clerk shall sell printed copies of the code or sections thereof at such price as the Board of Trustees shall fix.

The Village President shall have the power to extend or reciprocate courtesies of other municipalities by presenting him with a copy of this code, bound at the expense of the Village, as to them shall seem suitable, and he shall also have the power to present two copies of this code to the Illinois Municipal League.

1-1-8: **CONSTRUCTION OF WORDS:** Whenever any word in any section of this code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this code by words importing the singular number only, or the masculine gender, several matters, parties or persons and female as well as males and bodies corporate shall be deemed to be included. The words "person, firm or corporation" shall be deemed to include any association or organization of any kind. Words in the present tense shall be deemed to include the future tense. The words "this ordinance" whenever used in this code shall be held to mean the entire code, in each and every section thereof. The word "village" whenever used in this code shall be held to mean the Village of Bridgeview. The words "written" and "in writing" may include printing. The word "shall" as used in this code is mandatory. Provided that these rules of construction shall not be applied to any section of this code which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto or where the context clearly requires a different interpretation.

1-1-9: **REFERENCE TO SECTION NUMBERS:** Reference to any section of this code shall be understood to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

1-1-10: **AMENDMENT OF SECTION SUBJECT TO PENALTY:** In case of the amendment of any section of this code containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

1-1-11: GENERAL PENALTY:

(a) *Fines not Specified.* Whenever in this code or in any ordinance of the Village an act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, the violation of said provision shall be punishable by a fine in amount of not less than \$100.00 nor more than \$1,000.00

(b) *Fines Specified.* Whenever in this code or in any ordinance of the Village an act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, and a specific penalty or range of penalties for a violation of said provision is specified or applicable thereto, the violation of such provision shall be punishable by a fine in the amount specified or applicable.

(c) *Officers and Employees.* No provision of this code or in any ordinance of the Village that designates specific duties of any officer or employee of the Village shall be construed as to make such officer or employee liable for any fine or penalty when breached unless said provision specifically and expressly imposes a penalty.

(d) *Continuation.* Each violation of a provision of this code or ordinance of the Village, and each day a violation shall continue, shall constitute a separate and distinct offense.

1-1-12: OFFENSE HAVING TWO PENALTIES: In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

1-1-13: REPEAL OF GENERAL ORDINANCES: All general ordinances of the village passed prior to the adoption of this Municipal Code and in conflict with the provisions herein or which are in conflict with amendments to this code are hereby repealed.

1-1-14: COURT PROCEEDINGS: No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

Nothing contained in this section shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the time of the adoption of this Municipal Code.

1-1-15: REPEAL OF REPEALING ORDINANCE: When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision.

1-1-16: INVALIDATION OF PART: If any part, section, sentence or clause of this code shall be adjudged void and of no effect, such decision shall not affect the validity of the remaining portion of this code.

1-1-17: LIABILITY OF EMPLOYERS AND AGENTS: When the provisions of any section of this code prohibits the commission of an act, not only the person actually doing the prohibiting act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.

1-1-18: INTENT: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out.

1-1-19: ALTERNATIVE PENALTIES - COMPLIANCE WARNING TICKETS:

a. Any person who is accused of a violation of any section of the vehicle code contained in this Municipal Code, pursuant to the issuance of a Compliance Warning Ticket, except a traffic offense for which a court appearance is required pursuant to Chapter 110A, paragraph 551 of the Illinois Revised Statutes, may settle and compromise that ticket by paying to the Village a fee of fifteen (\$15.00) dollars within ten (10) days from the date such alleged violation was committed or by paying to the Village the sum of thirty (\$30.00) dollars subsequent to said ten (10) day period and prior to said person being issued a Uniform Traffic Complaint or Notice to Appear.

b. Compliance Warning Tickets shall be issued as a courtesy in lieu of instituting a prosecution for the alleged offense. If the person accused of the violation does not settle the claim, a Uniform Traffic Complaint or Notice to Appear will be issued for that violation and that person shall be subject to the general penalties set forth in Section 1-1-11.

1-1-19: ALTERNATIVE PENALTIES - COMPLIANCE WARNING TICKETS:

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b. Compliance Warning Tickets shall be issued as a courtesy in lieu of instituting a prosecution for the alleged offense. If the person accused of the violation does not settle the claim, a Uniform Traffic Complaint or Notice to Appear will be issued for that violation and that person shall be subject to the general penalties set forth in Section 1-1-11.

CHAPTER 1

GOVERNMENT ORGANIZATION

ARTICLE 2. SEAL, FISCAL YEAR, OFFICIAL TIME, CHARGES FOR RECORDS.

SECTION

- 1-2-1: Seal.
- 1-2-2: Custody of Seal.
- 1-2-3: Private Use of Seal.
- 1-2-4: Fiscal Year.
- 1-2-5: Official Time.
- 1-2-6: Charges for Copies of Village Records.

1-2-1: SEAL: The seal heretofore provided and used by and for the Village of Bridgeview, circular in form, the impression on which are the words, 'Village of Bridgeview, Cook County, Illinois', around the outer circle, and the words 'Corporate Seal, June 14, 1947', in the inner circle, shall be and is hereby established and declared to be the corporate seal of the Village.

1-2-2: CUSTODY OF SEAL: The seal shall remain in the custody of the Village Clerk to be used by the Clerk as required by law and the provisions of this Code.

1-2-3: PRIVATE USE OF SEAL: No person shall fraudulently forge, deface, corrupt, or counterfeit the Seal of the Village, nor shall any person, other than the duly authorized public official, make use of said seal. Any person violating the provision of this section shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

1-2-4: FISCAL YEAR: The fiscal year of the Village shall commence on January 1 of each year and close on December 31 of the same year

1-2-5: OFFICIAL TIME: Central standard or central daylight savings time shall be the official time within the Village of Bridgeview.

1-2-6: CHARGES FOR COPIES OF VILLAGE RECORDS: Except as otherwise provided by law, the charge for all copies of Village ordinances, resolutions or other records shall be such amount as is established from time to time by motion of the Board of Trustees, or in the absence of such direction, such amount as shall be, in the discretion of the Village Clerk, sufficient to compensate the Village for its costs in reproducing such material. No additional fee shall be charged for certification of said records.

CHAPTER 1.

GOVERNMENT ORGANIZATION

ARTICLE 3. VILLAGE PRESIDENT.

SECTION

- 1-3-1: Election and Term of Office
- 1-3-2: Qualification
- 1-3-3: Oath of Office
- 1-3-4: Bond
- 1-3-5: Compensation
- 1-3-6: Powers and Duties
- 1-3-7: Presiding Officer and Vote
- 1-3-8: Veto Powers
- 1-3-9: Reconsideration, Passing Over Veto
- 1-3-10: President Pro Tem and Temporary Chairman
- 1-3-11: Vacancy
- 1-3-12: Sale/Disposal of Personal Property

1-3-1: ELECTION AND TERM OF OFFICE: The President shall be elected by the electors of the Village of Bridgeview for a term of four years and until his successor is elected and has qualified.

1-3-2: QUALIFICATION: No person shall be eligible to hold the office of Village President unless he is a qualified elector of the municipality and has resided therein at least one (1) year next preceding his election or appointment.

No person shall be eligible to hold the office of Village President who is a defaulter to the municipality, in arrears in the payment of any tax or other indebtedness due to the municipality, has been convicted in Illinois state courts of malfeasance in office, bribery, or other corrupt crimes.

The President shall not be interested in any way in the manufacture, sale or distribution of alcoholic liquor within the Village as prescribed by statute.

1-3-3: OATH OF OFFICE: Before entering upon the duties of his office, whether elected or appointed, the President shall take and subscribe the oath of office as prescribed by statute. The oath, so subscribed, shall be filed in the office of the Village Clerk.

1-3-4: BOND: The President, before entering upon the duties of his office, shall execute a

bond in the amount of not less than \$50,000 to guarantee the faithful performance of his duties. The bond shall be filed with the Village Clerk and the premium of such bond shall be paid by the Village.

1-3-5: COMPENSATION: The compensation of the President, for his services, shall be as prescribed by ordinance. However, the compensation of the President shall neither be increased nor decreased during the term for which he is elected or for the remainder of the term for which he is appointed.

1-3-6: POWERS AND DUTIES: The President shall be the official head of the Village for all legal purposes. He shall at all times have the power and authority to examine and inspect all books and records relating to Village business kept by any Village agent, employee or officer. He shall sign all proclamations, commissions, resolutions, and ordinances issued or adopted by the Board of Trustees, except as otherwise provided by law or ordinance.

The President shall appoint, with the advice and consent of the Board of Trustees, all members of Boards, Commissions, Committees or other agencies as may be authorized by ordinance or resolution of the Board of Trustees or as may be authorized by statute.

The President shall devote to the duties of his office whatever time the faithful discharge thereof may require.

In addition to the foregoing, the President shall perform all such other duties and acts and have all additional powers that are or may be prescribed by the laws of the State of Illinois, or the ordinances of the Village of Bridgeview.

1-3-7: PRESIDING OFFICER AND VOTE: The President shall preside at all meetings of the Board of Trustees. He shall not vote on any ordinance, resolution, or motion, except: (1) where the vote of the Trustees has resulted in a tie; or (2) where one-half of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is not tie vote; or (3) where a vote greater than a majority of the corporate authorities is required by Statute of the state of Illinois to adopt an ordinance, resolution or motion. In each instance specified, the President shall vote.

Nothing in this section shall deprive an Acting President or President Pro Tem from voting in his capacity as a Trustee, but he shall not be entitled to another vote in is capacity as Acting President or President Pro Tem.

1-3-8: VETO POWERS: All resolutions and motions (1) which create any liability against the Village, or (2) which provide for the expenditure or appropriation of its money, or (3) to sell any Village property, and all ordinances passed by the Board of Trustees, shall be deposited with the Village Clerk. If the President approves of them he shall sign them. If he disapproves of any, he shall return them to the Board of Trustees with his written objections at the next regular meeting of the Board of Trustees occurring not less than five (5) days after their passage. The President

may disapprove of any one or more sums appropriated in any ordinance, resolution or motion making an appropriation, or he may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the President fails to return any ordinance or any specified resolution or motions with his written objections within the designated time, it shall become effective despite the absence of his signature.

1-3-9: RECONSIDERATION, PASSING OVER VETO: Every resolution and motion specified in the preceding section, and every ordinance which is returned to the Board of Trustees by the President, shall be reconsidered by the Board of Trustees at the next regular meeting. If, after such reconsideration, two-thirds of all the Trustees elected to the Board of Trustees shall vote to pass an ordinance, resolution, or motion, notwithstanding the President's refusal to approve it, then it shall be effective. The vote on a question of passage over the President's veto shall be by yeas and nays, and shall be recorded in the journal.

1-3-10: PRESIDENT PRO TEM AND TEMPORARY CHAIRMAN: A temporary absence or disability of the President incapacitating him from the performance of his duties does not create a vacancy in the office. In that case, the Board of Trustees shall elect one of its members to act as President Pro Tem. The President Pro Tem, during the President's absence or disability, shall perform the duties and possess all the rights and powers of the President. No additional salary or compensation shall be paid the President Pro Tem for acting as President Pro Tem.

1-3-11: VACANCY: A vacancy occurs in the office of the President by reason of resignation, failure of one to be elected or to qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office, or removal from office or by removal of his residence from the Village.

If a vacancy occurs in the office of the President during his term, the vacancy shall be filled for the remainder of the term at the next election of Trustees, unless the vacancy is filled by a special election as provided by statute.

During the period from the time that the vacancy occurs until a President is elected and has qualified, the vacancy may be filled by the election of an Acting President by the Board of Trustees.

The Acting President shall be paid the President's salary for the period of time he shall serve as Acting President.

1-3-12: The Mayor may authorize the sale of personal property that is no longer necessary or useful to the Village. The Mayor may authorize: (1) the sale with or without advertisement; (2) with or without auction; (3) the conversion into some other form that is useful to the Village by using the material in the personal property; (4) the trade in of the personal property as part payment on a purchase of a similar article; (5) the sale in conjunction with other units of government. In the event that an item of personal property has no value or the cost of

selling the same would exceed the sale price, the Mayor may authorize the donation or junking of such personal property. No personal property may be sold or transferred to any officer or employee of the Village except pursuant to public bidding. The Mayor shall report in writing to the Board of Trustees with regard to any personal property disposed of under the provisions of this section within 10 days after disposition.

CHAPTER 1

GOVERNMENT ORGANIZATION

ARTICLE 4. BOARD OF TRUSTEES.

SECTION

- 1-4-1: Election, Term of Office and Functions
- 1-4-2: Qualification
- 1-4-3: Oath of Office
- 1-4-4: Compensation
- 1-4-5: Vacancy

1-4-1: ELECTION, TERM OF OFFICE AND FUNCTIONS: The Board of Trustees, consisting of six (6) members, shall be elected to office for a four (4) year term and until their successors are elected and have qualified as is provided by statute.

The Board, together with the President, shall be the legislative department of the Village government, and shall perform such duties and have such powers as may be authorized by statute. Wherever herein the term 'Board' or the term 'Board of Trustees' is used, it shall be construed to mean this legislative department.

1-4-2: QUALIFICATION: No person shall be eligible to hold the office of Village Trustee unless he is a qualified elector of the municipality and has resided therein at least one (1) year next preceding his election or appointment.

No person shall be eligible to hold the office of Village Trustee who is a defaulter to the municipality, in arrears in the payment of any tax or other indebtedness due the municipality, has been convicted in Illinois state courts of malfeasance in office, bribery, or other corrupt crimes.

No Village Trustee shall be eligible to any office, except that of Acting President or President Pro Tem, the salary of which is payable out of the Village Treasury, if at the time of his appointment he is a member of the Village Board of Trustees.

No Village Trustee shall be interested in any way in the manufacture, sale or distribution of alcoholic liquor within the Village as prescribed by statute.

1-4-3: OATH OF OFFICE: Before entering upon the duties of Village Trustee, all persons, whether elected or appointed, shall take and subscribe the oath office as prescribed by statute. This oath, so subscribed, shall be filed in the office of the Village Clerk.

1-4-4: COMPENSATION OF TRUSTEE: The compensation of a Trustee shall be as prescribed by ordinance. However, the compensation shall neither be increased nor decreased during the term of office for which a trustee has been elected or appointed.

Revised 11/01/06
Revised 9/6/00

1-4-2

CHAPTER 1

GOVERNMENT ORGANIZATION

ARTICLE 5. RULES OF ORDER AND PROCEDURES.

SECTION

- 1-5-1: Regular Board Meetings and Committee Meetings
- 1-5-2: Special Meetings.
- 1-5-3: Order of Business.
- 1-5-4: Procedures and Rules.

1-5-1: **REGULAR BOARD MEETINGS AND COMMITTEE MEETINGS:** The regular meetings of the Mayor and Board of Trustees shall be held on the first Wednesday of each month at 7:00 p.m. and on the third Wednesday of each month at 12:00 noon. Committee meetings shall be held upon the call of the Mayor or at least three Trustees. Meetings may be canceled, moved or held at different times as determined by the Mayor and Board of Trustees, all meetings shall be held at the Bridgeview Village Hall.

1-5-2: **SPECIAL MEETINGS:** Special meetings may be called by the President or by any three Trustees by written request or notice being filed with the Village Clerk at least 72 hours prior to the time specified for such meeting. At least 48 hours written notice shall specify the time and purpose of such meeting and shall be delivered to each member of the Board personally if he can be found, and if he cannot be found, then by leaving a copy of such notice at the home of such Board Member in the presence of an adult member of the family of the Board Member.

The Village Clerk shall cause an affidavit showing service of such notice provided to be filed in his office prior to the time fixed for such special meeting; together with a statement of compliance with the notices to members of the media as provided by statute. The failure to cause such an affidavit and statement of compliance to be prepared shall not invalidate any action taken at such special meeting which is otherwise accomplished in accordance with law. Any Board Member who appears and participates in such special meeting with regard to a matter contained within the call of such meeting shall waive any irregularity in service.

No business may be transacted in the special meeting, except that for which it is called, unless the entire Board is present and all members agree to the transaction of other business

1-5-3 **ORDER OF BUSINESS:** The order of business shall be determined from time to time by the actions of the Board of Trustees.

1-5-4: **PROCEDURES AND RULES:** The procedures and rules of the Board of Trustees shall be as follows:

Revised 8/2/2023, 7/1/2020, 8/15/07, Revised 9/01/04

RULE 1. PRESIDING OFFICER: The Village President shall take the chair at the hour appointed, or to which the Board shall have adjourned, and shall immediately call the members to order; whereupon the Clerk shall proceed to call the roll of members. If a quorum is present, the Clerk shall so announce and the Board shall proceed with the order of business.

RULE 2. QUORUM:

a. A quorum shall consist of a majority of the entire Board of Trustees, including the Village President. A quorum shall be necessary to transact the business of the Village Board.

b. If no quorum be present, the Board shall not thereby stand adjourned, but the members present shall adjourn or recess the Board by a majority vote.

c. If no quorum is present and the members present desire to compel the attendance of absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees. Any absent member who, without good cause, refuses to attend the meeting, or a new meeting to which the members present have adjourned, after personal notice to attend may be fined by the members present a sum not to exceed One Hundred Dollars for each occurrence.

RULE 3. ABSENCE OF PRESIDENT: At any meeting of the Board where a majority shall be assembled, and if the President is temporarily absent but within or near the community, the Clerk shall preside and call the roll, whereupon the Board shall elect a Temporary Chairman from its membership. In the event that the absence of the President shall be of a more permanent nature, as provided by statute, a President Pro Tem shall be elected.

RULE 4. THE PRESIDENT:

a. The President shall preserve order and decorum and may speak to points of order in preference to other members and shall decide all questions of order subject to appeal.

b. If the President refuses to allow the Trustees to exercise their right to appeal a decision of the Chair, the Trustees may consider and pass upon the matter in spite of the Chair's failure to grant them appeal.

c. The President shall have the power to require the Board Room to be cleared in case of any disturbances or disorderly conduct which prevents the meeting from being continued in an orderly manner.

RULE 5. DUTIES OF MEMBERS:

a. While the President is putting the question, or deciding a point of order, the members shall be seated and no member shall leave the Board Room during the session without permission from the presiding officer.

b. Every member, previous to his speaking, making a motion or seconding the same shall address the presiding officer as 'Mr. President' but shall not proceed with his remarks until recognized and named by the Chair.

c. A member so recognized by the Chair, shall confine himself to the question under debate.

d. No member shall speak more than once on the same question, except by permission of the Chair, and then not until every other member desiring to speak shall have had an opportunity to do so.

e. No member shall speak longer than five minutes at any one time, except by consent of the Chair.

f. While a member is speaking, no member shall hold any private discussion, nor pass between the speaker and the Chair.

g. A member, when called to order by the Chair, shall thereupon discontinue speaking. The order or ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

h. Any member may appeal to the Board from a ruling of the Chair and, if the appeal is seconded, the member making the appeal may briefly state his reason for the same and the Chair may briefly explain his ruling; but there shall be no debate on the the appeal and no other member shall participate in the discussion. The Chair shall then put the question, 'Shall the decision of the Chair be overruled?' otherwise, it shall be sustained.

i. The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

RULE 6. SECONDING OF MOTIONS REQUIRED: No motion shall be put or debated in the Board or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate.

RULE 7. READING OF RESOLUTIONS, ORDINANCES AND CORRESPONDENCE: Resolutions or ordinances shall be read unless the reading is waived in part or whole. The Board may order lengthy ordinances or resolutions to be summarized by the President, or at his request, the Village Clerk.

RULE 8. WITHDRAWAL OF MOTIONS: After a resolution or a motion is stated by the President, it shall be deemed to be in the possession of the Board, but it may be withdrawn by the maker thereof with or without the consent of the Trustees second-in the motion prior to the call for the vote by the President.

RULE 9. DIVISION OF QUESTIONS: If any question under consideration contains several distinct propositions, the Board by a majority vote of the members present may divide such questions.

RULE 10. RECORD OF MOTIONS: In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the same shall be entered.

RULE 11. VOTE:

- a. The yeas and nays shall be taken upon the passage of all ordinances and on all propositions to create any liability against the Village, or for the expenditure or appropriation of its money, and upon any question and in all other cases at the request of any member of the Board. When the Clerk has commenced to call the roll of the Board for the taking of a vote by 'yeas' and 'nays', all debate on the question before the Board shall be deemed concluded, and during the taking of the vote a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the Clerk by answering 'yea' or 'nay', as the case may be.
- b. The names of each member of the Board of Trustees shall be listed on the official copy of every ordinance passed indicating specifically the names of those voting 'yea' and those voting 'nay'.
- c. Every Trustee present shall vote unless he has an interest in the matter, in which event he shall disqualify himself. If a Trustee who has not disqualified himself does not vote, his failure to vote shall be construed as concurring with the majority.
- d. The President shall announce the result of the Board's vote and such votes shall be entered in the journal of the proceedings, as is provided by statute.
- e. The President shall vote and possess such veto powers as are prescribed in the state statutes.

RULE 12. PRECEDENCE OF MOTION: When a question is before the Board, no motion shall be received; except as herein specified, and which shall have the precedence in the order herein stated:

- a. To fix the time to which to adjourn.
- b. To adjourn.
- c. To take a recess.
- d. To raise a question of privilege.
- e. To call for the orders of the day.
- f. To lay on the table.
- g. To call for the previous question.
- h. To postpone to a certain time.
- i. To refer to committee.
- j. To amend.
- k. To postpone indefinitely.
- l. To the main motion.

RULE 13. UNDEBATABLE MOTIONS AND EXCEPTIONS TO ORDER: The motion to adjourn or to lay on the table shall be decided without debate, and the motion to fix the time to which to adjourn and the motion to adjourn shall always be in order except:

- a. When member is in possession of the floor.
- b. When the roll call votes are being called.
- c. While the members are voting.
- d. When adjournment was the last preceding motion.
- e. When it has been decided that the "previous question" shall be taken.

RULE 14. MOTION TO ADJOURN: A motion to adjourn cannot be amended; but a motion to adjourn to a given day or time shall be open to amendment and debate.

RULE 15. MOTION TO POSTPONE INDEFINITELY: When a question is postponed indefinitely, it shall not be taken up again before the next regular meeting.

RULE 16. MOTION TO AMEND: A motion to amend and amendment shall be in order, but a motion to amend an amendment to an amendment shall not be entertained.

RULE 17. AMENDMENTS: Only one amendment at a time may be offered to any question before the Board. The vote shall first be taken on the amendment and if the amendment passes then further amendments may be proposed. Finally, a vote shall be taken on the principal motion as finally amended.

RULE 18. RECONSIDERATION:

a. A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed. A matter once having been decided and a motion to reconsider such matter having been defeated, it may nonetheless come before the Board at a future time by way of a motion to rescind or as a new motion. If the Chair determines that new facts are to be presented to the Board or that there is a likelihood that the Board will reverse its previous decision, he shall rule the motion in order. If a motion is continuously brought before the Board and rejected, the Chair may rule its reintroduction under a motion to rescind or as a new motion to be out of order.

b. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold public hearings shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for further hearing and recommendation.

c. A motion to reconsider must be made and seconded by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered, so long as the issue presented is the same, no new information is forthcoming, and the rights of the third parties have not intervened.

RULE 19. COMMITTEES:

1. All standing and special committees shall consist of 3 Trustees and shall be appointed and confirmed by a majority vote of the Mayor and Board of Trustees. The Mayor shall designate one of the committee members as chairman.

2. The standing committees to be appointed annually shall be:

Finance
Police and Ordinance Enforcement
Fire and Paramedic
Public Works and Public Buildings
Building, Zoning and Economic Development
Community Affairs, Social Services and Senior Citizens

The responsibilities and duties of each committee shall be assigned by the Mayor or otherwise determined by the Board of Trustees.

3. Special committees may be established by the Mayor and Board of Trustees as needed for the consideration of particular issues.

RULE 20. COMMITTEE MEETINGS:

1. All committee meetings shall be held in compliance with the Open Meetings Act.

2. All committee meetings shall be conducted by the chairman.

3. Committee meetings shall be scheduled for 7:30 p.m. on the third Wednesday of each month unless otherwise determined by the chairman of the committee.

4. The Mayor and all Trustees may participate in any committee meeting, but only committee members shall be entitled to vote on matters before the committee.

RULE 21. VISITORS: Except during the time allotted for public discussion and comments, no person, other than a member of the Board, shall address that body, except with the consent of two of the members present. Any person who shall disrupt by disorderly conduct a meeting of the Board of Trustees, its committees or any meeting of a board, commission or advisory body of the Village shall upon conviction thereof be fined not less than Fifty Dollars nor more than Five Hundred Dollars.

RULE 22. REPORTS, COMMUNICATIONS, PETITIONS, ETC.: All communications, reports, petitions or any other papers addressed to the Board shall be made available to the Village Clerk prior to the meeting. The Village Clerk shall endeavor to distribute copies or read such material to the members of the Board.

RULE 23. THE JOURNAL: The Village Clerk shall keep the journal of the proceedings of the Board. Within no more than ten days after each meeting of the Board, the Clerk shall supply to each member a typewritten copy of the minutes.

RULE 24. RECORD OF ORDINANCES AND DOCUMENTS: The Clerk shall keep a record of all ordinances passed in an ordinance book for such purpose. All reports made by committees and all resolutions adopted by the Board shall be filed and preserved by the Clerk.

- RULE 25. PUBLICATION: All ordinances imposing any penalty for a violation thereof or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form, in which case, the ordinance in its pamphlet form shall be displayed for a reasonable period in a public place in the Village Hall.
- RULE 26. TIME FOR TAKING EFFECT: No ordinance which must be published to comply with the foregoing section shall go into effect until ten days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the Board of Trustees then holding office. In all other cases, the ordinances shall go into effect upon the passage thereof, as provided by statute, even though the operation of the ordinance may not take effect until a later date.
- RULE 27. ~~ADOPTION OF ROBERTS 'RULES OF ORDER REVISED':~~ The rules of parliamentary practice comprised in the latest published edition of Roberts 'Rules of Order Revised' shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the ordinances of the Village or the Statutes of the State of Illinois.
- RULE 28. TEMPORARY SUSPENSION OF RULES; AMENDMENT OF RULES: The rules of the Board may be temporarily suspended, altered or amended, by concurrence of a majority vote of all the Trustees then in office.
- RULE 29. EXPULSION OF MEMBERS: Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene or insulting language to or about any member of the Board, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the Board and, in addition, may be fined not to exceed Twenty-five Dollars for each occurrence. With the concurrence of two-thirds of the Board of Trustees elected, the Board may expel a Trustee, but not a second time for the same offense.

CHAPTER 1

GOVERNMENT ORGANIZATION

ARTICLE 6. VILLAGE CLERK

SECTION:

- 1-6-1: Election and Term of Office
- 1-6-2: Qualifications
- 1-6-3: Oath of Office
- 1-6-4: Bond
- 1-6-5: Compensation
- 1-6-6: Duties
- 1-6-7: Custody of Seal
- 1-6-8: Attesting
- 1-6-9: Meetings and Minutes
- 1-6-10: Notice of Meetings
- 1-6-11: Money Collected
- 1-6-12: Accounts
- 1-6-13: Records
- 1-6-14: Publication of Treasurer's Report
- 1-6-15: Documents
- 1-6-16: Indices
- 1-6-17: Publication of Ordinances
- 1-6-18: Records and Notices of Election
- 1-6-19: Conduct of Elections
- 1-6-20: Additional Duties
- 1-6-21: Vacancy

1-6-1: ELECTION AND TERM OF OFFICE: The Village Clerk shall be elected to office and serve for a four (4) year term and until his successor is elected and qualified, as provided by statute.

1-6-2: QUALIFICATIONS: No person shall be eligible to hold the office of Village Clerk unless he is a qualified elector of the municipality and has resided therein at least one (1) year next preceding his election or appointment, and who is not a defaulter to the municipality. The Village Clerk shall hold no other office during his term as Village Clerk, except that the Village Clerk shall be eligible for appointment by the Board of Trustees as Village Collector.

1-6-3 OATH OF OFFICE: Before entering upon the duties of his office, the Village Clerk shall take and subscribe the oath of office as prescribed by statute.

1-6-4 **BOND:** The Village Clerk, before entering upon the duties of his office, shall execute a bond in the amount of not less than fifty thousand Dollars (\$50,000) to guarantee the faithful performance of his duties. The bond shall be filed with the Village Clerk and the premium of such bond shall be paid by the Village.

1-6-5: **COMPENSATION:** The compensation of the Village Clerk shall be prescribed by ordinance. However, the compensation of the Clerk shall neither be increased nor decreased during the term for which he is elected or for the remainder of the term for which he is appointed.

1-6-6: **DUTIES:** The Clerk shall devote such time to this office as the duties of the office shall require, and as may be required by statute or ordinance.

1-6-7: **CUSTODY OF SEAL:** The Clerk shall be the custodian of the Village Seal, as prescribed by Section 1-2-2 of this Code, and shall affix its impression on documents whenever required.

1-6-8: **ATTESTING:** The Clerk shall seal and attest all licenses, permits and such other documents as shall require this formality.

1-6-9: **MEETING AND MINUTES:** The Clerk shall attend all meetings of the Village Board and keep a full record of its proceedings in the journal which shall be preserved by the Clerk. The minutes shall be distributed to members of the Board of Trustees as prescribed in Section 1-5-4, Rule 23 of this Code.

1-6-10: **NOTICE OF MEETINGS:** The Clerk shall issue and cause to be served upon all members of the Board of Trustees notices of all special meetings of the Board as set forth in Section 1-5-2 of this Code.

1-6-11: **MONEY COLLECTED:** The Clerk shall turn over all money received by him on behalf of the Village to the Village Treasurer promptly upon receipt of same; and with such money, he shall give a statement as to the source thereof.

1-6-12: **ACCOUNTS:** The Clerk shall keep the accounts showing all money received by him and the source and disposition thereof; and such other accounts as may be required by statute or ordinance.

1-6-13: **RECORDS:** In addition to the record of ordinances and other records which the Clerk is required by statute to keep, and as prescribed in Section 1-5-4, Rule 23 of this Code, he shall keep a register of all licenses and permits issued and the payments thereon; and such other records as may be required from time to time by the Board of Trustees.

Upon recording with the County Recorder of Deeds, the original of all annexation plats, plats of subdivision, easements, vacated properties, titles, deed, and such other records and all official contracts and documents shall be maintained and kept by the Village Clerk in a safe and secure place in the Village Hall.

1-6-14: PUBLICATION OF TREASURER'S REPORT: Upon receipt of the Treasurer's accounts of all moneys received and expenditures incurred during the preceding fiscal year, filed with the Clerk by the Village Treasurer, the Clerk shall cause the Treasurer's Annual Report to be published at least once, in one or more newspapers published therein, then in one or more newspapers having a general circulation within the Village, as required by statute.

1-6-15: DOCUMENTS: The Clerk shall be the custodian of all documents belonging to the Village which are not assigned by the Board of Trustees to the custody of some other officer or employee.

1-6-16: INDICES: The Clerk shall keep and maintain a proper index to all documents and records kept by him, so that ready access thereto and use thereof may be had.

1-6-17: PUBLICATION OF ORDINANCES: The Clerk shall publish all ordinances as provided by statute and as prescribed in Section 1-5-4, Rule 25 of this Code.

1-6-18: RECORDS AND NOTICES OF ELECTION: The Clerk shall keep a record of the election or appointment of all officers of the Village and the record shall exhibit the name of the officer, to what office elected or appointed, the date or declaration of election, the date of his commission, and the date of death, resignation, removal from office, or expiration of term of office. He shall, within five (5) days after the result of any election is declared or appointment is made, notify all persons elected or appointed.

1-6-19: CONDUCT OF ELECTIONS: The Clerk shall carry out all duties relating to Village elections as may be authorized by the Village Board or as shall be provided by statute.

1-6-20: ADDITIONAL DUTIES: In addition to the duties herein provided, the Clerk shall perform such other duties and functions as may be required by statute or ordinance.

1-6-21: VACANCY: In case the office of Village Clerk shall become vacant for any reason, the Village President and the Board of Trustees shall appoint an Acting Clerk to serve until a Clerk is elected for the remainder of the term at the next election of Trustees and has qualified, as provided by statute.

Chapter 1

GOVERNMENT ORGANIZATION

ARTICLE 7. FREEDOM OF INFORMATION ACT

SECTION:

- 1-7-1: Appointment of FOIA officer
- 1-7-2: Receipt of FOIA Request
- 1-7-3: FOIA Officer Training
- 1-7-4: Access to Village Records
- 1-7-5: Fees for FOIA Records
- 1-7-6: Denial of FOIA Request
- 1-7-7: FOIA Base Records

1-7-1: Appointment of FOIA Officer: The Village President is hereby authorized to appoint an employee of the Village as the Freedom of Information Officer, to whom all initial requests for access to the records of the Village are to be processed. Such requests are to be made in person, by mail, or by e-mail at the offices of the Village Clerk at 7500 S. Oketo, Bridgeview, Illinois. Except in instances when records are furnished immediately, the Freedom of Information Officer shall receive requests submitted to the Village under FOIA, shall ensure that the Village responds to FOIA requests in a timely fashion and shall issue responses as required or authorized under FOIA. The Freedom of Information Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request

1-7-2: Receipt of FOIA Request: Upon receiving a request for a public record, the Freedom of Information Officer shall:

1. Note the date the Village receives the written request;
2. Compute the day on which the period for response will expire and make a notation of that date on the written request;
3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
4. Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester and a copy of other communications relating to the request.

1-7-3: FOIA Officer Training: Any person designated as Freedom of Information Officer shall, within 30 days of appointment, successfully complete an electronic training curriculum through the Illinois Attorney General Public Access Counselor and thereafter successfully complete an annual training program.

Revised 9/6/23, 3/19/03

1-7-4: Access to Village Records: Any records which are the subject of a request under FOIA shall be retrieved from such place as they are stored by the Freedom of Information Officer, or by an employee of the Village acting under the direction of the Freedom of Information Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the Village.

1-7-5: Fees for FOIA Records: If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the Freedom of Information Officer pursuant to Section 6(b) of FOIA. The Village Clerk shall maintain a written schedule of current fees in the Village Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested, subject to the limitations under FOIA.

1-7-6: Denial of FOIA Request: In the event that a request to inspect Village records is denied by the Freedom of Information Officer, the denial may be appealed to the Illinois Attorney General Public Access Counselor.

1-7-7: FOIA Base Records: The Freedom of Information Officer shall prepare: (a) a Village Information Directory; (b) a block diagram of the functional subdivisions of the Village; (c) a Village Records Directory; and (d) a Records Catalog, which information shall also be posted on the Village's website.

| | | | |
|---|----|--------|-------------------|
| Police accident reconstruction reports | \$ | 20.00 | per report |
| Fire incident reports | \$ | 5.00 | per report |
| Ambulance reports | \$ | 5.00 | per report |
| Photos (regular size) | \$ | 2.00 | per photo |
| Fingerprinting up to 4 cards same affiliation | \$ | 30.00 | |
| Video tape reproduction | \$ | 25.00 | per tape |
| Voice Log transcription to cassette tape | \$ | 100.00 | per incident |
| Duplication of other village records | \$ | 0.25 | per page |
| Certification of records | \$ | 0.50 | per certification |
| Bound Zoning Ordinance | \$ | 0.25 | per page |
| Zoning map | \$ | 10.00 | per map |
| Bound Subdivision & Development Ordinance | \$ | 0.25 | per page |
| Bound Sign Ordinance | \$ | 0.25 | per page |
| Bound Comprehensive Plan | \$ | 0.25 | per page |
| Bound Rules & Regulations of the Civil Service Commission | \$ | 0.25 | per page |
| Bound Rules & Regulations of the Board of Fire & Police Commissioners | \$ | 0.25 | per page |

B. Where the Village determines that, because of the number of copies requested or nature of the type of copies requested, the copy work must be done by an entity other than the Village, the Village's actual costs for said copying shall be charged.

C. Where a request for a public record is received by facsimile, or requested to be sent by facsimile, the Village's actual costs incurred in receiving and sending said facsimile shall be charged in addition to the aforementioned fees.

Revised 3/19/03

1-7-5: SPECIAL SERVICE FEE: In those instances where records are requested to be copied and mailed or sent by facsimile or messenger delivery in a time period that is less than the required response period under the Freedom of Information Act, the Village shall charge the requesting party an additional fee of \$15.00 for such "special service". In requesting "special service" the requester shall submit to the Village Clerk a written request for "special service" stating that the requester consents to the \$15.00 charge therefore.

1-7-6: ORIGINAL VILLAGE RECORDS: So as to prevent the loss of original Village records, documents, video tapes and audio tapes, the removal of original Village records, documents, video tapes and audio tapes from the Village building at which they are located shall be subject to the following conditions:

A. Original records, documents, video tapes and audio tapes of meetings of the Village Board, or any Board, Committee or Commission thereof, shall not be removed from the Village building at which they are located except pursuant to a court subpoena, or upon the direction of the Village Clerk.

B. All original Village records, documents, video tapes and audio tapes, except those specified in Subsection A above, may only be removed from the Village building at which they are located by an officer or employee of the Village and only after said officer or employee has evidenced the removal of said original Village record, document, video tape, or audio tape in writing on a form provided by the Village Clerk.

C. The Village Clerk shall develop a logging system to keep track of original records, documents, video tapes and audio tapes that are removed from Village Hall, the Village Clerk's office or any other Village building pursuant to Subsection B above.

D. Notwithstanding the foregoing, original Village records, documents, video tapes and audio tapes may be transferred from one Village building to another, if Village business so requires, by Village officers or employees, but shall be returned to their original location at the end of each business day unless there is compliance with Subsection B above. The provisions of this Section shall not apply to documents and evidence used in court proceedings by authorized employees of the Village.

CHAPTER 1

GOVERNMENT ORGANIZATION

ARTICLE 8. ETHICAL CONDUCT

SECTION:

- 1-8-1: Definitions
- 1-8-2: Prohibited Political Activities
- 1-8-3: Gift Ban
- 1-8-4: Penalties

1-8-1: DEFINITIONS: For purposes of this Article, the following terms shall be given these definitions:

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

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 315/3).

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

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

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

Revised 4/21/04

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

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

“Employer” means the Village of Bridgeview.

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

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

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

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

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

“Prohibited political activity” means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting voters on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.

Revised 4/21/04

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

“Prohibited source” means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

1-8-2: PROHIBITED POLITICAL ACTIVITIES:

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

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

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

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

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely

because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

1-8-3: GIFT BAN:

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

(b) The provisions of paragraph (a) shall not be applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé' or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider

the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and intergovernmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed above is mutually exclusive and independent of every other.

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

1-8-4:

PENALTIES:

- (a) A person who intentionally violates any provision of Section 1-8-2 may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (b) A person who intentionally violates any provisions of Section 1-8-3 is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (c) Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (d) A violation of Section 1-8-2 shall be prosecuted as a criminal offense by an attorney specially appointed by the Employer by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
- (e) A violation of Section 1-8-3 may be prosecuted as a quasi-criminal offense by an attorney specially appointed by the Employer.
- (f) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 1-8-2 or Section 1-8-3 is subject to discipline or discharge.

Revised 4/21/04

CHAPTER 1

GOVERNMENT ORGANIZATION

ARTICLE 9 CIVIL EMERGENCIES

SECTION:

- 1-9-1: Definitions
- 1-9-2: Proclamation of Emergency
- 1-9-3: Executive Orders
- 1-9-4: Penalty
- 1-9-5: Duration of State of Emergency
- 1-9-6: Notice

1-9-1: DEFINITIONS: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Civil emergency shall mean: (i) a riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (ii) any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the village, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Curfew shall mean prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the village except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

1-9-2: PROCLAMATION OF EMERGENCY: Whenever a civil emergency exists, the mayor is authorized to declare the existence of a local state of emergency by means of a written declaration. The declaration shall be made under oath, setting forth the facts which constitute the civil emergency, describe the nature of the civil emergency, and declare that a local state of emergency exists in accordance with the definitions set forth in this article. The declaration shall be filed with the village clerk as soon as practicable after issuance.

1-9-3: EXECUTIVE ORDERS: After the proclamation of a local state of emergency, the mayor may, in addition to such other powers, take any or all of the following actions by executive order during the state of civil emergency in the interest of public safety and welfare, and to address the issues caused or threatened by the civil emergency:

(a) Impose a general curfew applicable to such geographical areas of the village or to the village as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare;

(b) Approve previously appropriated expenditures of the village for the purpose of continuing the operations of the municipality;

(c) In the event the local state of emergency extends beyond the current fiscal year and a new budget has not been approved, the mayor shall be authorized to approve new spending by the village during the existence of the local state of emergency;

(d) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;

(e) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;

(f) Order the discontinuance of selling, distributing or giving away gasoline or other flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

(g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever; and,

(h) Do all such other things reasonably necessary to respond to the civil emergency.

1-9-4: PENALTY: Violations of any executive order issued during a state of local emergency shall be punishable by fine in an amount of not less than \$250 and not more than \$2,000 for each offense.

1-9-5: DURATION OF STATE OF EMERGENCY: A declaration herein authorized shall be effective until the adjournment of the next regular or special meeting of the board of trustees, unless sooner terminated by a proclamation of the mayor indicating that the civil emergency no longer exists.

1-9-6: NOTICE: As soon as is reasonably practicable following the issuance of a proclamation of a local state of emergency, a copy thereof shall be: (a) posted on a village's website, at the village hall, and at the police station; and, (b) provided to news media situated in the village.