

**TITLE 2**

**ADMINISTRATION**

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## CHAPTER 1

### FUNCTIONS OF THE VILLAGE BOARD OF TRUSTEES

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The following Rules of Order and Procedure shall govern the deliberations of the Board of Trustees and the Committees thereof.

#### **2-1-1: MEETINGS:**

The regular meetings of the Board of Trustees shall be held on the second Tuesday in each month of the year at the hour of 7:30 p.m. in the Village Hall.

Any regular meeting falling upon a legal holiday shall be held on the next following secular day at the same hour and place.

Special meetings may be called by the President or by any three members of the Board of Trustees by written request or notice being filed with the clerk at least 36 hours prior to the time specified for such meeting. At least 24 hours written notice of such special meeting shall be given by the clerk, which notice shall specify the time and purpose of such meeting and shall be delivered to each member of the Board of Trustees 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 Trustee in the presence of an adult member of the family of the Trustee. The clerk shall cause an affidavit showing service of such notice as 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 in "An Act in relation to meetings". (Chapter 102, Illinois Revised Statutes) Any special meeting attended by all of the members of the Board of Trustees shall be a regular meeting for the transaction of any business that may come before such meeting if all members are present and so agree. All meetings of the Board of Trustees shall be held in the Village Hall, including special and adjourned meetings, and all meetings, except executive sessions thereof, shall be open to the public, as is required by statute.

#### **2-1-2: PRESIDING OFFICER:**

The President shall preside at all meetings of the Board of Trustees, but he shall have a vote only where the state statutes or the Village ordinances require more than a majority vote of the corporate authorities or in the event of a tie or where one-half of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote.

During the absence or disability of the President, the Board of Trustees shall elect one of its members president pro tem of the Board of Trustees, and he shall act as presiding officer of the Board of Trustees. Where the absence or disability of the President is to be of a very short duration and no individual is required to be granted the powers of the President, the Board of Trustees shall elect one of its members temporary chairman. The President pro tem or the temporary chairman, when acting as presiding officer, shall vote on all questions on which the vote is taken by "yeas" and "nays", his name being called last. The President pro tem shall have all of the powers and duties of the President; the temporary chairman shall only have such powers and duties as accrue to a presiding officer.

Each meeting of the Board of Trustees shall convene at the time appointed for such meeting, as provided by ordinance. The clerk, or someone appointed to fill his place by the presiding officer, shall thereupon immediately call the roll of members.

If no quorum is present, the Board of Trustees shall not thereby stand adjourned, but the members present shall be competent to adjourn or recess the council by a majority vote. 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 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 Twenty-Five Dollars (\$25.00) for each occurrence.

#### **2-1-3: QUORUM - ORDER OF BUSINESS:**

A quorum for the transaction of business shall consist of a majority of all the Board of Trustees entitled by law to be elected.

The order of business shall be as follows:

**A.** Call to order by presiding officer.

**B.** Pledge of allegiance to the flag.

- C. Roll call.
- D. Establishment of quorum.
- E. The reading and approval (with corrections and additions, if any) of the journal of the proceedings of the previous meeting or meetings.
- F. Reports and communications from mayor and other officers: Attorney; Engineer; Zoning; President; Treasurer; Clerk
- G. Report of the standing committees: Finance and Accounts; Streets and Public Improvement; Dept. of Public Property, Water, and Sewer; Law and Order; Public Health; Dams, Waterways, and Utilities
- H. Report of special committees.
- I. Petitions, communications, orders, resolutions and ordinances by the Trustees.
- J. Unfinished business.
- K. Public discussion and/or comments from the floor.
- L. Adjournment

#### **2-1-4: DUTIES OF THE PRESIDING OFFICER:**

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order subject to appeal. If he 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 an appeal.

In case of any disturbances or disorderly conduct the presiding officer shall have the power to require the chamber to be cleared.

#### **2-1-5: DUTIES OF MEMBERS:**

While the presiding officer is putting the question, no member shall walk across or out of the council chamber.

Every member, previous to his speaking, making a motion or seconding the same, shall address himself to the presiding officer and say: "Mr. President", and shall not proceed with his remarks until recognized and named by the Chair. He shall confine himself to the question under debate avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

When two or more members address the Chair at the same time, the presiding officer shall name the member who is first to speak. The Trustees may by two-thirds vote expel a Trustee for disorderly conduct. Such Trustee may not be expelled a second time for the same offense.

#### **2-1-6: VISITORS:**

Except during the time allotted for public discussion and comment, no person, other than a member of the Board of Trustees, shall address that body, except with the consent of two of the members present.

#### **2-1-7: PRESENTATION OF NEW BUSINESS AND DEFERMENT:**

When a member wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the clerk who shall read such matter when reached in its proper order. Upon the request of any two Trustees present, any report of a committee of the council shall be deferred (for final action thereon) to the next regular meeting of the Board of Trustees after the report is made.

#### **2-1-8: DEBATE:**

No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration or the chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than ten minutes at

any one time, except by consent of the board, and in closing debate on any question, as above provided, the speaker shall be limited to five minutes, except by special consent of the Board of Trustees.

While a member is speaking no member shall hold any private discussion, or pass between the speaker and the Chair.

**2-1-9: CALL OF MEMBER TO ORDER:**

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

**2-1-10: APPEALS FROM DECISIONS OF THE CHAIR:**

Any member may appeal to the Board of Trustees 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 appeal and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "No", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

**2-1-11: QUESTION OF PERSONAL PRIVILEGE:**

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

**2-1-12: VOTING:**

Every member who shall be present when a question is stated from the Chair shall vote thereon, unless excused by the Board of Trustees, or unless he is personally interested in the question, in which cases he shall not vote.

**2-1-13: SPECIAL ORDER OF BUSINESS:**

Any matter before the Board of Trustees may be set down as a special order of business at a time certain if two-thirds of the Trustees present vote in the affirmative, but not otherwise.

**2-1-14: SECONDING OF MOTIONS REQUIRED, WRITTEN MOTIONS, READING OF MOTIONS, RESOLUTIONS, ORDINANCES, MINUTES AND CORRESPONDENCE:**

No motion shall be put or debated in the council or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the council, except motions of procedure, shall be reduced to writing, if required by a member, and the member who proposed the motion shall be entitled to the floor. The reading of any motion, resolution or ordinance may be waived, as may the reading of the minutes of a previous meeting. Copies of correspondence received by the clerk or mayor shall be distributed before the meeting to all members of the corporate authorities. Correspondence received by municipal officials need not be read in full at Board of Trustees meetings unless pertinent to a matter before discussion. Correspondence received may be summarized to Board of Trustees meetings.

**2-1-15: WITHDRAWAL OF MOTIONS:**

After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the Board of Trustees, but it may be withdrawn at any time before discussion, by consent of the Board of Trustees.

**2-1-16: DIVISION OF QUESTIONS:**

If any question under consideration contains several distinct propositions, the Board of Trustees by a majority vote of the members present may divide such a question.

**2-1-17: 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.

**2-1-18: TAKING AND ENTERING THE VOTES; EXPLANATION OF VOTES:**

The "yeas" and "nays" upon any question shall be taken and entered in the journal. 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 of Trustees 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.

**2-1-19: ANNOUNCEMENT AND CHANGES OF VOTES:**

The result of all votes by "yeas" and "nays" shall be announced by the clerk. No vote shall be changed after announcement by the clerk.

**2-1-20: PRECEDENCE OF MOTIONS:**

The following chart sets out commonly used motions in the order of their precedence as determined by Roberts Rules of Order. The Main or Principal Motion is at the bottom in rank. The other motions may be made while the Main Motion is pending, and must be dealt with before the Main Motion. They are arranged according to rank, the highest at the top of the list. Incidental motions, however, have no rank among themselves, yet take precedence over subsidiary motions. When any one motion is immediately pending, the motions above it on the list are in order and those below are out of order.

**2-1-21: PRIVILEGED MOTIONS:****UNDEBATABLE:**

- Fix Time to Adjourn
- Adjournment
- Take Recess
- Question of Privilege

**2-1-22: INCIDENTAL MOTIONS:****UNDEBATABLE, EXCEPT MOTION TO APPEAL:**

- Appeal
- Division of Assembly
- Division of a Question
- Filling Blanks
- Objection
- Parliamentary Inquiry
- Point of Information
- Point of Order
- Suspend the Rules\*
- Withdraw a Motion

**2-1-23: SUBSIDIARY MOTIONS:****UNDEBATABLE:**

- Lay on the Table
- The Previous Question (Close Debate)\*
- Limit or Extend Debate

**DEBATABLE:**

Postpone to a Definite Time  
Refer to a Committee  
Amend the Amendment  
Amendment  
Postpone Indefinitely

## **MAIN OR PRINCIPAL MOTION**

### **2-1-24: MISCELLANEOUS MOTIONS: AFTER ACTION HAS BEEN TAKEN ON MAIN OR PRINCIPAL MOTION:**

Take from Table - (Undebatable)  
Rescind (debatable) \* \*  
Reconsider- (debatable)  
Ratify- (debatable) \*  
Motions requiring a two-thirds vote. \*\*  
Requires two-thirds vote - without notice; and majority vote with notice.

### **2-1-25: MOTION TO REFER:**

A motion to refer to a standing committee shall take precedence over a similar motion to refer to a special committee.

### **2-1-26: MOTION TO AMEND:**

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

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to "Strike out and insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally the paragraph as it will stand if so amended shall be read.

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

### **2-1-27: FILLING OF BLANKS:**

When a blank is to be filled, and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

### **2-1-28: MOTION TO SUBSTITUTE:**

A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained notwithstanding that at such time further amendment is admissible; and if accepted by the Board of Trustees by vote, shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

### **2-1-29: RECONSIDERATION:**

A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. 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 a further hearing and recommendation.

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 third parties have not intervened.

**2-1-30: STANDING COMMITTEES:**

The following shall be the standing committees of the Board of Trustees:

- A. Committee on Accounts and Finance
- B. Committee on Streets and Public Improvement
- C. Committee on Public Property, Water, and Sewer
- D. Committee on Law and Order
- E. Committee on Public Health

F. Committee on Dams, Waterways, and Utilities Each regular committee shall consist of two members to be appointed by the President with the advice and consent of the board.

Any report of a committee shall be deferred, for final action thereon, to the next regular meeting after the report is made, upon the request of any two members of the Board of Trustees.

**2-1-31: THE JOURNAL:**

The clerk shall keep the journal of the proceedings of the Board of Trustees. Within no more than ten days after each meeting of the Board of Trustees, the clerk shall supply to each member at his residence a typewritten copy of the proceedings.

**2-1-32: STYLE OF ORDINANCES:**

The style of all ordinances shall be: "BE IT ORDAINED by the President and Board of Trustees of ...," as is provided by statute.

**2-1-33: "YEA" AND "NAY" VOTE:**

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 in all other cases at the request of any member of the Board of Trustees; and such vote shall be entered on the journal of the proceedings, as is provided by statute.

**2-1-34: APPROVAL OR VETO:**

All ordinances passed by the Board of Trustees, before they take effect, shall be deposited with the Village Clerk, and if the President approves thereof, he shall sign the same, and such as he shall not approve he shall return to the Board of Trustees with his objections thereto in writing at the next regular meeting occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the remainder thereof shall take effect and be in force. But in case the President shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinances and the same shall take effect accordingly.

Upon the return of any ordinance by the President, the vote by which the same was passed shall be reconsidered by the Board of Trustees; and if, after such reconsideration, two-thirds of all the members elected to the Board of Trustees shall agree, by "yeas" and "nays", to pass the same, it shall go into effect notwithstanding the President may refuse to approve thereof.



**2-1-35: RECORD OF ORDINANCES:**

The clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.

**2-1-36: 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 shall be displayed for a reasonable period in a public place in the Village Hall.

**2-1-37: TIME OF TAKING EFFECT:**

No ordinance which must be published to comply with the foregoing section shall go into effect until ten (10) 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 members of the corporate authorities 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.

**2-1-38: ADOPTION OF ROBERTS "RULES OF ORDER REVISED":**

The rules of parliamentary practice in the latest published edition of Roberts "Rules of Order Revised" shall govern the Board of Trustees in all cases to which they are applicable and in which they are not inconsistent with the special rules of this Board of Trustees or the statutes or laws of the state.

**2-1-39: TEMPORARY SUSPENSION OF RULES; AMENDMENT OF RULES:**

These rules may be temporarily suspended by a vote of two-thirds of all the Trustees entitled by law to be elected, and shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the Trustees entitled by law to be elected.

**2-1-40: CENSURE OF MEMBERS; 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 of Trustees, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the corporate authorities and, in addition, may be fined not to exceed Twenty-Five Dollars (\$25.00) for each such occurrence. With the concurrence of two-thirds of the aldermen elected, the Board of Trustees may expel a Trustee but not a second time for the same offense.

**2-1-41: DELIVERY OF OFFICE TO SUCCESSOR:**

Within five (5) days after notification and request, any person who has been an officer of the Village shall deliver to his successor in office, all property, books and effects in his possession belonging to the Village, or appertaining to the office he has held.

Upon his refusal to do so, he shall be liable for all of the damages caused thereby, and in addition thereto he may be subject to penalty as provided herein. (Chapter 24, Section 3-14-2, Illinois Revised Statutes). Each day such person refuses or fails to deliver such property to his successor, after notice and request, shall constitute a separate violation of this Section.

**2-1-42: ORDINANCES REPEALED:**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**2-1-43: SEPARABILITY:**

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(Ord. No. 0-4-7-14-81)

**CHAPTER 2**

**ELECTIONS**

	Section:
Open Primary .....	2-2-1

**2-2-1: OPEN PRIMARY:**

The caucus form of nomination of candidates for municipal office is hereby abolished, the earlier ordinance establishing the same rescinded and the open primary form of nominations for municipal offices within the Village of Tiskilwa hereby adopted.

(Ord. No. 0-1-94-4-12)

## CHAPTER 3

### TRAVEL, MEAL AND LODGING

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#### 2-3-1: PURPOSE:

The Illinois General Assembly recently enacted Public Act 99-604, known as the “Local Government Travel Expense Control Act”, which Act became effective on January 1, 2017. Pursuant to the Act, units of local government, other than home rule remedies, are required to establish regulations with respect to allowable travel, meal and lodging expenses.

The Village Board of Trustees has determined that a policy for the payment and reimbursement of expenses should be established which conforms to the requirements of public Act 99-604 and establishes uniform and transparent provisions for such expenses and reimbursements as follows:

The recitals set forth above are hereby expressly incorporated herein.

#### 2-3-2: DEFINITIONS:

All definitions and terms in this Ordinance shall conform to those set out in Public Act 99-604 including, but not limited to:

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

“Public Business” means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the Village to carry out the responsibilities of Village business.

“Travel” means any expenditure directly incident to official travel by employees, members, volunteers, and officers of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

“Employees, members, volunteers, and officers” means all persons who are paid or unpaid Village employees or officers including, but not limited to, the Board of Trustees.

#### 2-3-3: REIMBURSEMENT:

The Village shall pay and/or only reimburse travel, meal, and lodging expenses incurred by its employees, members, volunteers, and officers as follows:

1. Reimbursement for expenses hereunder shall be for those expenses incurred in the conduct of public business as defined herein.

2. Hotel room reservations will be made by the Village if an overnight stay is required. Generally, there will be two persons per room assigned. Payment for rooms will generally be made directly by the Village in advance.

3. Payment or reimbursement for meals will be based upon a rate of \$10.00 for breakfast, \$10.00 for lunch, and \$20.00 for dinner. The meal allowance will be prorated based upon the time of departure from the Village and the time of return. The allowance may be paid to the person receiving reimbursement in advance of the training or approved activity.

4. Payment to or reimbursement of members for transportation will be based upon the current federal mileage rate and will be paid to the person driving to attend the training or other authorized event. Carpooling will generally be required when more than one person is attending a particular training or approved activity. Reimbursement for fuel usage will generally be based upon one vehicle for four attendees. Use of a private vehicle for transportation will require prior approval of the Board of Trustees if the person desires to be reimbursed for travel expenses under this policy. When a Village vehicle is used for transportation to a training or other approved activity, payment for fuel where the fuel cost is incurred by the person operating the Village vehicle will be made on the same basis as a private vehicle reimbursement. Persons who choose not to carpool will not be reimbursed for fuel expenses incurred by them in traveling to the training or event separately unless otherwise approved in advance by the Board of Trustees.

5. Persons using a Village vehicle for transportation to and from training or other authorized events are strictly prohibited from operating the vehicle while in an impaired state.

#### **2-3-4: ALCOHOL:**

Reimbursement or payment for expenditures for alcoholic beverages is specifically excluded from payment or reimbursement.

#### **2-3-5: REQUEST FORM:**

No reimbursement of travel, meal or lodging expenses incurred by a Village employee, member, volunteer or officer shall be authorized unless a "Travel, Meal, and Lodging Expense Payment or Reimbursement Request Form" has been submitted and approved prior to payment of the reimbursement by the Board of Trustees. All documents and information submitted with the form or related to the payment or reimbursement of expenses subject to this ordinance shall be subject to disclosure under the Freedom of Information Act (5 ILCS 140/1 et seq.).

#### **2-3-6: EXPENSES:**

Expenses for travel, meals, and lodging of: (1) any officer or employee that exceeds the maximum reimbursement allowed under the foregoing requirements adopted under the provision of this Ordinance or (2) any member of the Board of Trustees of the Village may only be approved by roll call vote at an open meeting of the Board of Trustees. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth above.

#### **2-3-7: ENTERTAINMENT:**

The Village will not reimburse any employee, member, volunteer, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this Ordinance.

#### **2-3-8: SEPARABILITY:**

Any policy, resolution, or ordinance which conflicts with provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

#### **2-3-9: EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after the date of its passage, publication and approval and it is hereby ordered to be published in pamphlet form by the Tiskilwa Village Clerk in accordance with the Illinois Municipal Code.  
(Ordinance No. 0-2-17-5-9)

**VILLAGE OF TISKILWA**  
**TRAVEL, MEAL AND LODGING EXPENSE PAYMENT**  
**OR REIMBURSEMENT REQUEST FORM**

Before an expense for travel, meals, or lodging may be approved, the following minimum documentation must first be submitted, in writing, to the Village for approval by the Board of Trustees:

(1) The name of the individual who received or is requesting the travel, meal, or lodging expense and the individual's job title or office.

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Name of Employee, Volunteer or Officer Job

---

Title/Office

(2) The date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended. Please attach supporting documentation describing the nature of the official business event or program.

---

Name of Event or Program

---

Date(s) of Event or Program

---

Location of Event or Program

---

Purpose of Event or Program

(3) An estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred. Please attach either (a) a document explaining the basis for your estimate if expenses have not yet been incurred or (b) receipts if the expenses have already been incurred. Prior approval is generally required for expenses for which the Village is expected to pay or reimburse.

You should also provide such other documentation as would assist the Board of Trustees in considering a request for payment or reimbursement. Additional documentation relevant to the request for payment or reimbursement may be required prior to action by the corporate authorities with respect to the reimbursement request.

---

Employee/Officer Signature

---

Date

## CHAPTER 4

### POLICY PROHIBITING SEXUAL HARASSMENT

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#### **2-4-1: 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 the Village of Tiskilwa 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.

#### **2-4-2: 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 substantially 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.”

#### **2-4-3: 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. A complaint with the IDHR or the EEOC must be filed within 300 days, unless it is a continuing offense. (Amd. by Ordinance No. 0-5-18-12-11)

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.

#### **2-4-4: 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 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

#### **2-4-5: 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.

#### **2-4-6: 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.

(Ordinance No. 0-1-18-1-9)