

DIVISION III - DEFINITIONS

1-1-15 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.

Members of the public must submit their requests in writing and must describe the records with sufficient clarity as to enable FOIA officers to identify and locate the records. FOIA officers should make reasonable attempts to assist members of the public in accessing records which are responsive to the information they wish to acquire, but public bodies shall not be required to create a record or document which is not generated as a part of normal operations or routine record management. In order to aid persons in obtaining public records, the department heads and office holders ("Department Heads") shall create a list of records under their control sufficiently detailed to enable members of the general public to identify information pertinent to their requests and make the list available to members of the public upon request. The County Clerk shall be responsible to generate and maintain a list of documents on behalf of the County Board and shall perform as that body's FOIA officer.

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 females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-16 DEFINITIONS. Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT", as used in this Code shall mean a person acting on behalf of another.

"COUNTY CODE" OR "THIS CODE" shall mean the **"Adams County Code"**.

"COUNTY" shall mean the **County of Adams, in the State of Illinois.**

The words "in the county" or "within the county" mean and include all territory over which the county now has or shall hereafter acquire jurisdiction for the exercise of its powers or other regulatory powers.

"COUNTY BOARD". The words "County Board" mean the County Board of Adams County, Illinois.

"COUNTY CHAIRMAN" as used in this Code shall mean the Chairman of the County Board of Adams County.

"DISTRICT" means a County Board district established as provided in this Code.

"FEE" OR "FEES" as used in this Code shall mean a sum of money charged by the County for carrying on of a business, profession or occupation.

"FISCAL YEAR". The "fiscal year" for the County shall begin on **December 1st of each year and end on November 30th of the following year. (See 65 ILCS Sec. 5/1-1-2[5])**

"KNOWINGLY" imports only a knowledge that the facts exist which bring the act or mission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

"LEGAL HOLIDAY" shall mean the holidays as authorized and recognized by the County Board in the employee agreement.

"LICENSE" as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

"MAY". The word "may" is permissive.

"MEMBER" OR "BOARD MEMBER" means a person elected or appointed to serve on the County Board.

"MISDEMEANOR" as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY" import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the County or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"OCCUPANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

"OFFENSE" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

"OFFICERS AND EMPLOYEES". Whenever reference is made in this Code to a County Officer or employee by title only, this shall be construed as though followed by the words **"of the County"** and shall be taken to mean the officer or employee of this County having the title mentioned or performing the duties indicated.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the County Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

"OFFICIAL TIME". Central Standard Time shall be the official time for the transaction of County business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced one (1) hour. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the County shall be set and run at the official time prescribed by this paragraph.

"OPERATOR" as used in this Code shall mean the person who is in charge of any operation, business or profession.

"OWNER" as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

"PERSON" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

"RETAILER" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

"SHALL". The word "shall" is mandatory and not discretionary.

"STATE" OR "THIS STATE" unless otherwise indicated shall mean the **"State of Illinois"**.

"STREET" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

"TENANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"TOWNSHIP" OR "TOWN" shall apply interchangeably to the type of government organization established in accordance with the provisions of the "Township Law of 1874". (See 10 ILCS Sec. 5/1-3)

"WHOLESALE" AND "WHOLESALE DEALER" as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

"WILLFULLY" when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

"WRITTEN" AND "IN WRITING" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any

official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-1-17 CATCHLINES. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1-1-18 - 1-1-19 RESERVED.

DIVISION IV - GENERAL PENALTY

1-1-20 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense.**

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois.**

(C) Whoever commits an offense against the County or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another would be an offense against the County, is punishable as a principal.

(E) All county ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated. **(See 55 ILCS Sec. 5/5-1113)**

1-1-21 APPLICATION.

(A) The penalty provided in this Chapter shall be applicable to every section of this County Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this County Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this County Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this County Code, the prosecuting officer may elect under which to proceed; but not more than one (1) 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.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this County Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-22 **LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

ARTICLE II – COUNTY BOARD CHAIRMAN

1-2-1 ELECTION OF CHAIRMAN. The County Board shall, at its first meeting in the month following the month in which County Board members are elected, choose one of its members as chairman for a term of **two (2) years**. **(See 55 ILCS 5/2-1003)**

(A) At the first meeting of the new Board, there shall be elected upon majority vote of the **twenty-one (21) member** Board, and roll call ballot, a permanent Chairman and Vice-Chairman of the Board to serve a term of **two (2) years**. **(See CB Rule 3, Section 1)**

(B) In the case of a tie vote for either of the above two offices the members shall continue to vote in the same prescribed manner until one candidate has the majority of the vote. **(See CB Rule 6, Section 2)**

(C) In the case of **three (3)** or more candidates and no one candidate having majority of the vote, the candidate receiving the lowest number of votes shall be dropped from candidacy, and the voting continue until one member has a majority vote. **(See CB Rule 6, Section 3)**

1-2-2 DUTIES OF THE CHAIR. The Chairman shall proceed with the call of business in the order provided by the County Board rules. He shall preserve order and decorum. He may speak to points of order in preference to other members. He shall decide all questions of order, subject on an appeal to the Board, upon request of any member. On such appeal no member shall speak more than twice unless by consent of the Board. **(See CB Rule 7, Section 1)**

Upon a motion being made and seconded, he shall clearly state the motion, and after opportunity for proper debate thereon, shall state the proposition to the Board for decision. Upon request of the Chairman, or any member of the Board, a roll call vote shall be taken. **(See CB Rule 7, Section 2)**

He shall not be permitted to speak upon any question, except upon a point of order, unless he leaves the chair for that purpose, calling to the chair some member of the Board for the time he is speaking. **(See CB Rule 7, Section 3)**

He shall have the right to call any member of the Board temporarily to occupy the chair but such substitution shall continue only during the time the subject in question is under discussion **(See CB Rule 7, Section 4)**.

The Chairman shall be ex-officio member of all committees and shall be notified of all meetings **(See CB Rule 7, Section 5)**.

1-2-3 COUNTY BOARD COMMITTEES.

(A) The Chairman shall appoint all committees and committee chairmen. At the first meeting of the new Board in each year he shall appoint the following standing committees: **(See CB Rule 8, Section 1)**

- (1) A Transportation, Building and Technology Committee consisting of **five (5) members.**
- (2) A Legislative and Judicial Committee consisting of **five (5) members.**
- (3) A Public Health and Safety Committee consisting of **five (5) members.**
- (4) A Finance Committee consisting of **five (5) members.**
- (5) An Executive Committee consisting of the Board Chairman and the Chairman of the **four (4)** standing committees listed above.

The Chairman shall have the power to appoint such additional committees as are necessary. **(See CB Rule 8, Section 2)**

Any committee shall be subject to call of its Chairman.

(B) **General Duties of all Committees.** All standing or special committees shall have the following responsibilities:

- (1) The general duties of the Standing Committees are indicated by the committee name, but any committee may be required to render such services as shall be ordered by the Board. **(See CB Rule 12, Section 1)**
- (2) The Executive Committee shall meet from time to time with all Adams County officeholders and department heads. The goal of the Committee shall be to become more effective and efficiency in providing and receiving services and conducting business **(See CB Rule 12, Section 2)**
- (3) All committee meetings shall be formally announced and every member of the Committee in attendance at the current Board meeting shall be notified, by or through the Chairman of the Committee, of the time and place his committee will meet. No member of a committee shall be permitted to absent himself from his committee meetings for any reason that would not excuse absence from the meetings of the Board. **(See CB Rule 12, Section 3)**
- (4) In regular committee work, the Committee Chairman shall preside and shall distinctly state to the Committee each proposition upon which the Committee is required to act, and shall permit free and

full discussion in the committee of any and all such questions. **(See CB Rule 12, Section 4)**

- (5) No member of the Committee shall be excused from voting, without consent of the whole Committee, and no Committee shall be permitted to report back any proposition referred to them, without recommendations thereon. **(See CB Rule 12, Section 5)**
- (6) The authority to determine whether any claim against the County shall be allowed or disallowed is delegated to the appropriate committee which oversees the various County officials and offices. Committees have the consideration of claims of the offices and departments assigned to them and shall carefully and deliberately examine each claim and each item thereof, and the certificate, affidavit, accounts and exhibits therewith connected. No claim shall be taken for granted as proper, and no claim shall be allowed that is not properly certified, stated and sworn to, or concerning which the committee does not feel satisfied that each item charged is due and unpaid, and lawfully chargeable against the County. **(See CB Rule 12, Section 6)**
- (7) In the purchase of all supplies and equipment for the County in excess of **One Thousand Dollars (\$1,000.00)** and in all contracts for County work and for work in which the County has interest, excluding contracts for the purchase of professional services or insurance for the County, the committee having the charge of the matter of such purchasing or contracting shall make purchases or contracts only after sending requests for prices to the appropriate vendors, in such manner as shall give the County all benefits which may be derived from competition in said purchase or contracting. When the amount of said purchase or said contract exceeds **Ten Thousand Dollars (\$10,000.00)**, a definite time shall be fixed for receiving bids therefore, and sealed bids shall be required, provided, however, that nothing in this rule shall prohibit the purchase of such supplies and the letting of contracts for such work as may, in case of emergency be necessary, without asking for bids. All contracts shall be let to the lowest responsible bidder, and the right shall be reserved to reject any or all bids. Obligations of the County shall cease immediately without penalty or further payment being required, if, in any fiscal year, the Adams County Board or applicable State or Federal source fails to appropriate or otherwise make available funds for the work completed herein. **(See CB Rule 12, Section 8)**

(8) No office or department, except the County Highway Department shall make purchases or contracts in excess of a **One Thousand Dollar (\$1,000.00)** limit for any one item, unless empowered or authorized by the Board or by statute. **(See CB Rule 12, Section 9)**

(C) **Quorum.** Each committee shall have a majority of its members present in order to conduct business.

(D) **Notice of Meetings.** Notice shall be given in advance to the County Clerk of the time and place of the meeting of all committees, and committee meetings shall be open to the public. Any person desiring to attend a committee meeting shall not be allowed to mingle with the members of the committee while the meeting is in progress and any spectator attending a committee meeting may be privileged to speak before the committee by a vote of the majority of the committee members.

(E) **Chairman Appointed.** The Chairman of the Board shall appoint a chairman and vice-chairman for each standing committee. Each Committee shall choose one of its own members as a Committee Clerk, whose duty shall be to keep minutes of the Committee meetings and attendance, and to submit a copy of same to the County Clerk. **(See CB Rule 8, Section 4).**

1-2-4 VACANCY. If a vacancy occurs in the office of the Chairman of the County Board, the remaining members of the Board shall elect **one (1)** of the members of the Board to serve for the balance of the unexpired term of the Chairman. **(See 55 ILCS 5/2-3009)**

1-2-5 VICE-CHAIRMAN. At the first meeting of the new board, the newly elected Chairman of the Board shall entertain nomination for a Vice-Chairman. The Vice-Chairman shall be elected upon majority vote of the **twenty-one (21) member** board to serve a **two (2) year** term. The Vice-Chairman shall serve as presiding officer whenever the Chairman is absent or unable to attend the meeting. In case of the absence of the Chairman, and Vice-Chairman the County Clerk shall convene the meeting and the members present shall choose **one (1)** of their number as Temporary Chairman. **(See 55 ILCS 5/2-1003)**

1-2-6 REMOVAL OF APPOINTEES. Any person appointed by the Chairman of the County Board, may be removed by the Chairman of the County Board, with the advice and consent of the County Board. Any person appointed to a position not requiring the advice and consent of the County Board may be removed at any time by the Chairman of the County Board.

1-2-7 COUNTY REPRESENTATIVE DESIGNATED BY THE CHAIRMAN.

The County Board Chairman shall be designated as the County Board representative at any meeting or convention. The Chairman may designate **one (1)** or more County officials, board members or employees to assist or represent him in the transaction of official County business at such convention or meeting.

1-2-8 EXPENSE CLAIMS; CONVENTION. No officer or employee of the County shall be permitted to attend any meeting or conference at the expense of the County, unless authorized by the Board, the Board Chairman, the appropriate committee, the committee Chairman, or by statute. The Board shall take into consideration the necessity for attendance of such meeting or conference for the proper operation of the particular county office or department, and the attendance and allowance of expenses as required by the statutes. The appropriate committee shall require an itemized statement of expenses with receipts or bills attached from all County Board members, officers, and employees requesting payment or reimbursement for expenses as are necessary for the attendance at such meetings and conferences. **(See CB Rule 12, Section 10)**

ARTICLE III – COUNTY BOARD

1-3-1 MEMBERSHIP. The County Board shall consist of **twenty-one (21) members** elected from **seven (7) districts, three (3) members** from each respective district as prescribed by statute. **(See 55 ILCS Sec. 5/2-3002)**

1-3-2 TERM. Pursuant to state statute, terms of County Board Members shall be staggered beginning with the first general election following the census. The Board districts shall be divided into **three (3) groups** with **Group One** having consecutive terms of **two (2) years, four (4) years, and four (4) years. Group Two** shall have consecutive terms of **four (4) years, two (2) years and four (4) years. Group Three** shall have consecutive terms of **four (4) years, four (4) years and two (2) years.** Each group will consist of **seven (7) County Board members.** A selection by lot consistent with Illinois Law and approved by resolution of the County Board will determine which districts are in each group. The term of office shall commence on the **first (1st) Monday in December** following their election.

(A) An incumbent board member, upon petition to run for his/her seat on the Board, shall run for the term previously established by lottery or as determined by his prior election.

(B) If a non-incumbent candidate running for a seat defeats an incumbent (or an incumbent does not seek re-election) and an incumbent is re-elected to another seat, such non-incumbent shall take the remaining term(s) of the defeated incumbent or open seat and the incumbent shall be elected to the seat defined above.

(C) If **two (2)** non-incumbent candidates running during an election where one **two (2) year** term and one **four (4) year** term are being elected, and they defeat both incumbents (or **two (2)** incumbents do not seek re-election), such terms shall be determined as follows:

- (1) The non-incumbent who receives the highest number of votes shall be assigned to the **four (4) year** term and continue with that established rotation.
- (2) The non-incumbent who receives the second highest number of votes shall be assigned to the **two (2) year** term and continue with that established rotation.

(D) If **two (2)** non-incumbent candidates running during an election where two (2) **four (4) year** terms are being elected, and they defeat both incumbents (or two (2) incumbents do not seek re-election), such terms shall be determined as follows:

- (1) The non-incumbent who receives the highest number of votes shall be assigned to the county board seat with a **four (4) year** term followed in the rotation by a subsequent **four (4) year** term.

- (2) The non-incumbent who receives the second highest number of votes shall be assigned to the county board seat with a **four (4) year** term followed in the rotation by a subsequent **two (2) year** term.

(E) All **twenty-one (21)** County Board members shall run for office in the **tenth (10th) year** following the General Election of 2002, and subsequent lotteries will be drawn to begin the rotation cycle as above for all subsequent **ten (10) year** cycles.
(See Ord. 2005-11-017-001)

1-3-3 **VACANCY.** If a vacancy occurs on the County Board, the Chairman of the County Board, with the advice and consent of the County Board, shall, within **sixty (60) days** of the date the vacancy occurs, appoint some person, possessing the qualifications of a Board Member, to serve until the next election of County Board members in the County at which time an election shall be held to fill the vacancy for the unexpired term. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. The appointee must also be a resident of the County Board district. If a county board member ceases to reside in the district that he or she represents, a vacancy in that office exists. **(See 55 ILCS Sec. 5/2-3009 and 10 ILCS 5/25-11)**

1-3-4 **MEETINGS; REGULAR.** Regular meetings of the County Board shall be held at such times as are provided by law and shall meet at least once a month upon call of the Chairman or upon majority vote of members present at any lawful meeting. **(See CB Rule 1, Section 1).**

1-3-5 **SPECIAL MEETINGS.** Special meetings of the Board shall be held only when requested by at least **one-third (1/3)** of the members of the Board or by the Chairman of the County Board, which request shall be in writing, and specifying the time and place of such meeting, upon reception of which the Clerk shall immediately transmit notice, in writing, of such meeting, to each of the members of the Board. The Clerk shall also cause notice of such meeting to be published in some newspaper printed in the County and presented to the Clerk of the Board at least **four (4) days** prior to the date of said meeting. **(See 55 ILCS Sec. 5/2-1001 and 55 ILCS Sec. 5/2-1002)**

1-3-6 **EMERGENCY MEETINGS.** In the case of a *bona fide* emergency, notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice **(See 5 ILCS 120/2.02(b)).**

1-3-7 **QUORUM; MAJORITY VOTE.** A majority of the County Board members shall constitute a quorum for the transaction of business at any regular or any duly called special meeting, and all questions which shall arise at meetings shall be determined by the vote of the majority of the County Board members present, except as otherwise provided **(See CB Rule 5, Section 1)**

1-3-8 **APPOINTED OFFICIALS.** The Board shall elect by roll call vote and a majority vote at the expiration of his or her term, **one (1)** County Engineer as provided by statute **(CB Rule 11, Section 1)**. The Board shall elect by roll call vote and a majority vote at the expiration of his or her term, **one (1)** Supervisor of Assessments as provided by statute **(See CB Rule 11, Section 2)**

1-3-9 **CLAIMS PROCEDURE.**
(A) The authority to determine whether any claim against the County shall be allowed or disallowed is delegated to the appropriate committee which oversees the various County officials and offices as set forth in the County Board Rules. Committees shall have the consideration of claims of the offices and departments assigned to them and shall carefully and deliberately examine each claim and each item thereof, and the certificate, affidavit, accounts and exhibits therewith connected. No claim shall be taken for granted as proper, and no claim shall be allowed that is not properly certified, stated and sworn to, or concerning which the committee does not feel satisfied that each item charged is due and unpaid, and lawfully chargeable against the County **(See CB Rule 12, Section 6)**

(B) Each committee in considering claims shall follow the guidelines hereinafter set forth:

- (1) Each committee shall consider claims customarily referred to that particular committee and/or pertaining to the scope of that committee's duties. The County Clerk shall refer all claims to be authorized committee upon the filing of said claims. **(See CB Rule 12, Section 7 (a))**
- (2) In each case the claim shall have attached an itemized account setting forth sufficient particulars as to each item so that by the inspection thereof it will appear just what the charge is intended to cover. **(See CB Rule 12, Section 7 (b))**
- (3) If the claim involves more than one item, all items shall be set forth in the account in series as incurred. If the claim or any item or items thereof are for services or material furnished under written contract, the account shall so state and shall not be made without an order of someone authorized to make same. **(See CB Rule 12, Section 7 (c))**

- (4) All claims must be verified by affidavit, setting forth that the amount charged is wholly due and unpaid, that each and all items thereof are true and correct, and that the facts in the claim and account set forth are true within the actual knowledge of the affiant. **(See CB Rule 12, Section 7 (d))**
- (5) In considering claims, committees shall determine whether the claim should be allowed or disallowed and if sufficient funds have been budgeted and are available in the appropriate office or department budget. The committee shall then present a list of all claims allowed or disallowed monthly to the County Clerk. The County Clerk and the County Treasurer are authorized after approval of the appropriate committee to sign and countersign a warrant to pay the claim allowed. The County Clerk shall prepare a monthly report of all claims paid to the Chairman and all members of the County Board. The monthly report shall identify the department or county official which purchased the product or service, the fund from which payment was made, the amount of payment and which check was issued. **(See CB Rule 12, Section 7 (e))**
- (6) Instead of or in addition to examining each certificate, affidavit, account and exhibit of a claim a committee, at its discretion, may examine and rely upon a computerized summary of a claim or claims prepared by the County Clerk or one of his or her deputies. A computerized summary shall at a minimum include the vendor's name, the amount to be paid, the budget line item and the office holder or county department involved. **(See CB Rule 12, Section 7 (f)).**
- (7) Upon prior notice and pre-approval by the appropriate committee a check or other instrument may be issued on claims which are made on a monthly or routine basis such as claims made for the payment of utilities, credit cards or installment contracts. The purpose of this rule is to insure timely payment of claims to vendors and prevent the issuance of interest and penalties against the County. Such claims shall be presented to the committee for the committee's consideration and approval at the next available committee meeting. **(See CB Rule 12, Section 7 (g))**
- (8) No claims for reimbursement for travel or related expenses of County officeholders or employees shall be paid prior to approval by the appropriate committee. In addition, no claims payable to new vendors shall be paid prior to approval by the appropriate committee. In case of an emergency the Chairman of the Committee or the Chairman of the County Board may approve the claim. To ensure timely payment to vendors, each committee may, at their discretion, issue a waiver provided by the County Clerk's Office, with a copy of the waiver to be kept on file in the

County Clerk's Office, allowing disbursement of checks or other instruments upon receipt of invoice. Such claims shall be presented to the committee for the committee's consideration and approval at the committee's next meeting. No claims for reimbursement for travel or related expenses of County officeholders or employees shall be paid prior to approval by the appropriate committee. **(See CB Rule 12, Section 7 (h), as revised 10-15-13 county board meeting)**

- (9) Meals and incidental expenses incurred by employees for training which requires an overnight stay(s) may be paid from the accounts payable system under the IRS's accountable per diem plan. The plan requires that the training is substantiated with dates, place, and purpose of training. In addition, the IRS, and thus the County, will pay the full per day diem for any full day at training; travel days are paid at **three-fourths (3/4)** of the per diem. For example, John Doe is traveling on Monday for training, spends Tuesday and Wednesday in training, and returns on Thursday. Mr. Doe is paid **three-fourths (3/4)** of the per diem rate for Monday and Thursday, and **one hundred percent (100%)** of the per diem rate for Tuesday and Wednesday. To substantiate the travel was overnight; proof of the overnight stay must be provided. The County's per diem rate per day will be **Twenty-Five Dollars (\$25.00)**, which meets IRS regulations **(See Ord. 2007-11-001-001)**.

1-3-10 PRESENTATION OF RESOLUTIONS AND ORDINANCES.

Resolutions and Ordinances that are to be presented at the Board Meeting shall be filed with the County Clerk not later than **4:00 P.M.** on the 7th day preceding the Board Meeting. The County Clerk shall mail to every Board Member prior to the close of business on the 8th day preceding the Board Meeting, an agenda with a copy of all Resolutions and Ordinances filed prior to the deadline. **(See CB Rule 1, Section 3)**

ARTICLE IV – COUNTY BOARD RULES

1-4-1 **RULES OF THE BOARD.** The following rules of order and procedures shall govern the deliberations and meetings of the County Board.

(A) **Order of Business.** The order of business shall be as follows:

- (1) Call to order by the Chairman of the Board.
- (2) Opening prayer by the Chairman, or a designated individual.
- (3) Pledge of Allegiance to flag of the U.S. of America.
- (4) Roll call.
- (5) The approval of the minutes of the previous meetings or meeting. Minutes are to contain no less than the motions, reports and other pertinent information.
- (6) Report of committees including presentation of proposed ordinances in the following order: **(See CB Rule 5, Section 1)**
 - a) Transportation, Building and Technology Committee
 - b) Legislative and Judicial Committee
 - c) Public Health and Safety Committee
 - d) Finance Committee
 - e) Executive Committee or any sub-committees that have a report(s) for the board.
- (7) Unfinished Business. The Clerk shall maintain a calendar of all unfinished business and tabled matters to be presented at each meeting of the Board **(See CB Rule 5, Section 1 (6))**
- (8) New Business, including, but not limited to:
 - a) Reports and communications from the Chairman.
 - b) Reports from elected and appointed officials of the County.
 - c) Other communications, petitions, and reports presented to the County Board for consideration.
- (9) Correspondence.
- (10) Adjournment or recess and announcement of date of next meeting.

All questions relating to the priority of business shall be decided by the Chair, with debate, subject to appeal.

(B) **Duties of Presiding Officer.** The Presiding Officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order, subject to appeal. In case of any disturbances or disorderly conduct, the Presiding Officer shall have the power to require the meeting room to be cleared. All resolutions and ordinances originating outside of the County Board, its members or its committees, shall be directed by the Chair of the Board to the proper committee for consideration.

(C) **Duties of Members.** While the Presiding Officer is putting the questions, no member shall walk across or out of the meeting room. Whenever any member of the Board decides to address the Board, make a motion, second a motion, or discuss a motion that has been introduced, he or she shall raise his or her hand and not speak until recognized by the Chairman. **(See CB Rule 10, Section 3)** When **two (2)** or more members raise their hands at the same time, the Chairman shall designate which member shall speak first. **(See CB Rule 10, Section 4)**

(D) **Permission to Leave Meeting.** A member wishing to absent himself from the balance of a meeting while the meeting is in session shall first obtain consent from the Chairman of the Board.

(E) **Visitors.** Any person, other than members of the Board desiring to address the Board shall clear with the Chairman of the Board, in care of the County Clerk's Office, in writing, **seven (7)** days prior to the meeting and shall sufficiently advise the Chairman of the Board as to the contents of the proposed address to the Board. With permission of the Chairman or upon leave of the Board, elected or appointed officials may address the Board. The Chairman shall have the power to limit the length of time or the proposed address. **(See CB Rule 7, Section 6)**

(F) **Resolutions and Ordinances.** Resolutions and ordinances shall be submitted to the proper committee before the next regularly scheduled committee meeting for committee consideration for the board.

(G) **Presentation of New Business.** When a member wishes to present a communication, petition, or other original matter, he shall send it to the desk of the County Clerk or or before the Wednesday preceding the next scheduled county board meeting.

(H) **Debate.** No member shall speak more than twice on the same question without leave of the Board, or more than once until every member choosing to speak has spoken; nor shall any member speak out one time more than five minutes on any motion or question unless by leave of the Board. **(See CB Rule 10, Section 5)**

(I) **Appeals from Decisions of the Chair.** If any member, in speaking or otherwise, shall transgress the rules of the Board, the Chairman or any member may call him to order; in which case the Member may appeal the decision of the Chairman to the Board, and the Board will decide the case without debate. If there is no appeal, the decision of the Chair shall stand. If the decision is in favor of the Member so called to order, he shall be at liberty to proceed; if otherwise, he shall not be at liberty to proceed without leave of the Board **(See CB Rule 10, Section 2)**

Whenever any member of the Board decides to address the Board, make a motion, second a motion, or discuss a motion that has been introduced, he or she shall raise his or her hand and not speak until recognized by the Chairman **(See CB Rule 10, Section 3)**

When two or more members raise their hands at the same time, the Chairman shall designate which member shall speak first **(See CB Rule 10.1, Section 4)**

(J) **Voting.** Every member who shall be present when a question is stated from the Chair, shall vote thereon, unless excused by the Board, or unless he is personally interested in the question, in which case, he shall not vote except as otherwise provided by law.

(L) **Seconding of Motions Required; Written Motions.** No motion shall be put or debated in the Board or in the committee unless it be seconded. When a motion is seconded, it shall be stated by the Presiding Officer before debate, and every motion in the Board, except motions on procedure, shall be reduced to writing, if requested by the Chairman, or any member of the Board, or of the Clerk **(See CB Rule 10, Section 6)**

(M) **Withdrawal of Motions.** After a motion or resolution is stated by the Chairman, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before the vote on the motion is announced by the Chairman, by the mover with consent of his second **(See CB Rule 10, Section 7)**

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

(O) **Recording of Motions.** In all cases where a resolution, ordinance or motion is entered in the minutes, the name of the member moving the same shall be entered also.

(P) **Taking and Entering the Votes – Explanations of Votes Not Permitted.** If any member requires it, the Yeas and Nays upon any question shall be taken and entered in the minutes, but the Yeas and Nays upon any question shall not be taken unless called for, prior to any vote on the question. When the Clerk has commenced to call the roll for the taking of a vote of Yeas and Nays, all debate on the question before the Board shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by answering of **“Yea”** or **“Nay”**, as the case may be.

(Q) **Announcement of Changes of Votes.** The result of all votes of Yeas and Nays shall not be announced by the Clerk, but shall be handed by him to the Chairman for announcement, and no vote shall be changed after the vote has been announced by the Chairman.

(R) **Presence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

- (1) To adjourn to a certain day.
- (2) To adjourn.

- (3) To take a recess.
- (4) To lay on the table.
- (5) To previous question.
- (6) To refer or commit.
- (7) To amend.
- (8) To defer or postpone to a certain time.
- (9) To defer or postpone without reference to time.
- (10) To defer or postpone indefinitely.

Numbers 2, 4 and 5 to be decided without debate.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. **(See CB Rule 10 Section 12)**

All motions, ordinances, or resolutions contemplating the expenditure of money shall, when so ordered, be referred to the Finance Committee, to report back to the Board except the claims against the County **(See CB Rule 10, Section 13)**

(S) **Motion to Adjourn.** Motion to adjourn the Board meetings shall always be in order, except:

- (1) When a member is in possession of the floor.
- (2) While the yeas and nays are being called.
- (3) When the members are voting.
- (4) When the adjournment was the last preceding motion.
- (5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

(T) **Previous Question.** When the previous question is moved on the main question and seconded, it shall be put in this form: **"Shall the main question not be put?"** If such motion be carried on further amendment, and all further motions and debates shall be excluded, and the question put without delay upon the pending amendments in proper order, and them upon the main question.

(U) **Motions to Lay on the Table and Take from the Table.** A motion to simply lay a question on the table shall not be debatable; but a motion to lay on the table and publish, or with any other conditions, shall be subject to amendment and debate. A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid on the table, provided **two-thirds (2/3)** of the members present and voting, vote therefore. A motion to lay any particular motion or

proposition on the table, shall apply to that motion or proposition only. An amendment to the main question or other pending questions may be laid on the table, and neither the main motion nor such other pending questions shall be affected thereby.

(V) **Indefinite Postponement; Motion to Defer or Postpone Without Any Reference to Time.** When consideration of the motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting. A motion to postpone indefinitely shall not open the main question to debate. A motion to defer or postpone without reference to time shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature, and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a certain time.

(W) **Motion to Refer.** A motion to refer to a certain committee shall take precedence over a similar motion to refer to a special committee.

(X) **Motion to Amend.** A motion to amend 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. 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 questions may be referred to a committee, and neither the main question, nor such other pending questions, shall be affected thereby.

(Y) **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.

(Z) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained notwithstanding that as such time further amendment is admissible, and, if accepted by the Board by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(AA) **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, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be considered. 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 are 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.

(BB) **Adoption of "Robert's Rules of Order Revised".** The Rules of Parliamentary Practice comprised in the latest published edition of "Robert's Rules of Order Revised" shall govern the Board in all cases in which they are applicable and in which they are not inconsistent with the special rules of this Board.

(CC) **Temporary Suspension of Rules; Amendment of Rules.** The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and the same shall be mailed to the members, **three (3) days** prior to the meeting, at which it is to be presented and considered. All rules shall remain in effect until such time as new rules are adopted by the Board by ordinance upon the recommendation of the Judiciary Committee.

(DD) **Agenda.** The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and the same shall be mailed to the members, **three (3) days** prior to County Board Meeting.

A majority of the members of the Board shall constitute a quorum for the transaction of business; and all questions which shall arise at meetings shall be determined by the votes of the majority of the members present, except in such cases as is otherwise provided. If any question calls for a two-thirds majority vote, and any member who is present abstains from the vote, that member shall be deemed to have voted with the majority unless the abstention was due to a conflict of interest **(See CB Rule 10, Section 14)**

These rules may be suspended in any particular case by a two-thirds vote of the member present **(See CB Rule 10, Section 15)**

1-4-2 AMENDMENTS TO THE RULES OF THE BOARD. No amendments shall be made to the "Rules of the Board", without the approval of a **two-thirds (2/3) vote** of the members present and voting, by roll call vote. Any proposed change in the rules shall be mailed to the County Board members at least **three (3) days** prior to the meeting, at which it is to be presented and considered. All rules shall remain in effect until such time as new rules are adopted by the Board by ordinance upon the recommendation of the Judiciary Committee.

The following are provided for informational purposes only and shall not be law:

(A) **Ordinances.** The County Board shall use an "Ordinance" when passing a law which prescribes a rule of conduct, which is to have a continuing or permanent force and effect. Ordinances shall be used for all laws amending or adding thereto, the "Revised Code of Ordinances", for all highway regulations and other areas required by the **Illinois Compiled Statutes.**

(B) **Resolutions.** The County Board shall use a resolution when they are expressing an opinion which is of a special or temporary character applicable only to a single matter of passing moment. It is used as a vehicle of stating a formal expression of the opinion or will of the County Board.

(C) **Motion.** A motion is a proposal or suggestion looking to action in the County Board. The County Board can act only by ordinance or resolution. **(See 104 N.E. 685) (262 IL. 392)**

1-4-3 **AGENDA.** An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the County Board no later than **forty-eight (48) hours** prior to the regular County Board meeting. In the case of matters of emergency which could not have been reasonably foreseen in sufficient time to comply with this Section, a revised agenda shall be furnished to each member of the County Board prior to the opening of the Board meeting. **(See 5 ILCS 120/2.02)**

ARTICLE V – ETHICS AND GIFT BAN

1-5-1 **DEFINITIONS.** Unless otherwise stated, all terms used in this Article have the definition given in the State Officials and Employees Ethics Act, **5 ILCS 430/1-5.**

With respect to an employee whose hours are not fixed, “compensated time” includes any period of time when the employee is on premises under the control of the Board or Office Holder and any other time when the employee is executing his or her official duties, regardless of location.

1-5-2 **PROHIBITED POLITICAL ACTIVITY.** “Prohibited Political Activity” means:

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

(B) 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.

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

(D) 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.

(E) 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.

(F) 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.

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

(H) 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 unless specifically required under state statutes of the office.

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

(J) Preparing or reviewing responses to candidate questionnaires.

(K) 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.

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

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

(N) Serving as a delegate, alternate, or proxy to a political party convention unless specifically required under state statutes of the office.

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

No employee shall intentionally perform any prohibited political activity during any compensated time. No Board Member, Officer Holder or employee thereof shall intentionally use any property or resources of the County in connection with any prohibited political activity. At no time shall any Board Member, Office Holder or employee intentionally require any other Board Member, Office Holder or employee to perform any prohibited political activity: (1) as part of that Board Member's, Office Holder's or employee's duties, (2) as a condition of employment, or (3) during any compensated time off, i.e., as holidays, vacation or personal time off. No Board Member, Office Holder or employee shall be required at any time to participate in any prohibited political activity in consideration for that Board Member, Office Holder 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 Board Member, Office Holder or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

A Board Member, Office Holder or employee may engage in activities that: (1) are otherwise appropriate as part of his or her official duties, or (2) are undertaken by the individual on a voluntary basis that are not prohibited by this policy.

1-5-3 LIMITATIONS ON RECEIVING GIFTS.

(A) "Prohibited Source" means any person or entity who:

- (1) is seeking official action by: (a) a Board Member, or (b) an Office Holder or (c) an employee, or by the Board Member, Office Holder or another employee directing that employee;
- (2) does business or seeks to do business with: (a) the Board Member, or (b) an Office Holder or (c) with an employee, or with the Board Member, Office Holder or another employee directing that employee;
- (3) conducts activities regulated by: (a) the Board Member, or (b) an Office Holder (c) by an employee or by the Board Member, Office Holder or another employee directing that employee; or

- (4) has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board Member, Office Holder or employee.
- (B) "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 speaking engagements related to or attributable to government employment or the official position of a Board Member, Office Holder or employee.

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

1-5-4 EXCEPTIONS. The following are exceptions to the ban on accepting gifts from a prohibited source:

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

- (1) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
- (2) whether 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
- (3) 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 Board Members, Office Holders or employees, or their spouses or immediate family members.

(H) Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** 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. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

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

(J) **Intra-Governmental and Inter-Governmental Gifts.** "Intra-governmental gift" means any gift given to a Board Member, Office Holder or employee from another Board Member, Office Holder or employee, and "inter-governmental gift" means any gift given to a Board Member, Office Holder or employee by an officer or employee of another governmental entity.

(K) Bequests, inheritances, and other transfers at death.

(L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.

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

1-5-5 DISPOSITION OF GIFTS. A Board Member, Office Holder or employee, his or her spouse or an immediate family member living with the Board Member, Office Holder or employee, does not violate this Article 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.

1-5-6 ETHICS ADVISOR. The Adams County States Attorney or his designate shall serve as Ethics Advisor.

Adams County Code

Administration 1-5-7

1-5-7 FILING COMPLAINTS. Written complaints alleging a violation of this Article shall be filed with the Chairman of the County Board.

1-5-8 ETHICS COMMISSION. The Chairman, with advice and consent of the County Board shall appoint a commission to investigate any complaint made pursuant to this policy and make recommendations related thereto, if the County Board deems an investigation warranted. Such appointment shall include procedures and possible recommendations to be made by the Commission (**SEE ILCS 430/1-1 et seq. or Ord. #005-2005-05**).

ARTICLE VI - GENERALLY

1-6-1 **DEPOSITORIES FOR COUNTY FUNDS.** The primary depository for County funds is First Bankers Trust, Quincy, Illinois. Other financial institutions may be used at the discretion of the Adams County Treasurer.

1-6-2 **COUNTY OFFICIALS' SALARIES.** The annual salaries of the following County elected and appointed officials are established and are to be effective on **December 1st** of each indicated year. **Four (4) year** salaries of those elected offices referenced below are determined not less than **one hundred eighty (180) days** preceding the beginning of the term of the elected office, or 2006, 2010, 2014, etc. Salaries of the Chairman and Members of the Adams County Board, as well as all other elected county officials, shall be set for the term of office, by proper resolution, at least 180 days before the term of office begins **(50 ILCS 145/2)**. Payment of the respective salaries shall be equal payments payable at the same time County employees are paid. The County Clerk is directed to withhold all such monies as are prescribed by Illinois and Federal Law. Board members shall be reimbursed for mileage at a rate set by the County Board **(See CB Rule 4-Section 3 as amended 10-15-13 county board meeting)**.

Adams County Code

Administration 1-6-3

1-6-3 COUNTY SEAL. The Seal provided by the County Board shall be circular in form consisting of the words "County of Adams" and "State of Illinois" in the outer circle and the words "Official Seal" in the inner circle.

1-6-4 APPOINTMENTS BY COUNTY. The terms of employment of the following appointed members of the following boards, commissions, and authorities shall be fixed as follows:

(A)

<u>Boards and Commissions</u>	<u>No. of Members</u>	<u>Term</u>	<u>Appointment Month</u>
Fire Protection Districts	3	3 yrs	May
Sanitary Districts	3	3 yrs	May
Quincy Area Safety Council	1 from County Board	2 yrs	December
Senior Citizens Board	1 from County Board	2 yrs	December
Adams County Extension	1 from County Board	2 yrs	December
Board of Review	3	2 yrs	May
Merit Commission (See Ch. 4)	2		
Farmland Assess. Review Comm.	2	3 yrs	April
Ambulance Board	7 *	3 yrs	April

***Three (3)** appointed from County; **three (3)** appointed from City of Quincy; **one (1)** appointed from Blessing Hospital.

Board of Health (See Ch. 4)	3	2 yrs	May
Mental Health Board (708) (See Ch. 4)	7	4 yrs	July
Great River Economic Dev. Foun.	3	2 yrs	December
G.I.S. Board	3 from County Board	2 yrs	December
Public Aid Committee	3 from County Board	2 yrs	December
Quincy/Adams County 9-1-1 Communications Systems Governing Board (See Ch. 4)	8 **	3 yrs	December

****Three (3)** appointed from County; **three (3)** appointed from City of Quincy; plus the Adams County Sheriff, Adams County Ambulance Director, secretary to the rural fire districts, City of Quincy Chief of Police, and City of Quincy Fire Chief.

Convention & Visitors Bureau	1 from County Board	2 yrs	December
Two Rivers Council	4 from County Board	2 yrs	December
Quincy Plan Commission	1 from County Board	2 yrs	December
Revolving Loan Committee	3 from County Board	2 yrs	December

(B)

Appointed County Officials

Term

9-1-1 Director	Appointed by Governing Board
Liquor Commissioner	2 yrs
Highway Engineer	6 yrs

Adams County Code

Administration 1-6-4

Animal Control Warden	2 yrs
E.M.A. Coordinator	2 yrs
Supervisor of Assessment	4 yrs
Ambulance Director	Appointed by Ambulance Board
Health Department Director	Appointed by the Board of Health
Director of Court Services	Appointed by the Chief Judge

(C) **County Officials and Salaries.** The various appointed officials of Adams County shall receive from Adams County an annual salary as established from time to time by County Board budget.

1-6-5 BIDDING AND CONTRACT PROCEDURES. When the amount of a purchase or of a contract exceeds **Ten Thousand Dollars (\$10,000.00)**, a definite time shall be fixed for receiving bids therefore, and sealed bids shall be required, provided, however, that nothing in this rule shall prohibit the purchase of such supplies and the letting of contracts for such work as may, in case of emergency be necessary, without asking for bids. All contracts shall be let to the lowest responsible bidder, and the right shall be reserved to reject any or all bids. Obligations of the County shall cease immediately without penalty or further payment being required, if, in any fiscal year, the Adams County Board or applicable State or Federal source fails to appropriate or otherwise make available funds for the work completed herein. **(See CB Rule 12, Section 8)**

1-6-6 SALARIES REGULATION.

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

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

EDITOR'S NOTE: The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance at least **one hundred eighty (180) days** before the beginning of the terms of the officers whose compensation is to be filed.

1-6-7 ILLINOIS MUNICIPAL RETIREMENT FUND.

(A) The County does hereby elect to participate in the Illinois Municipal Retirement Fund. In order to be eligible an employee shall work at least **six hundred (600) hours** per year. County Board members shall not be eligible to participate in this program. **(See Ord. # 3-9-99)**

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

1-6-8 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

(A) **Eligible employees** shall mean all employees of the County, eligible under the Federal Act.

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

(C) **Military Service Credit.** Pursuant to **40 ILCS 5/7-139** the County Board elects to allow service credit to employees who served in the armed forces of the United States for up to **two (2) years** of service, prior to their participation in the Illinois Municipal Retirement Fund. **(See Ord. #11-10-97)**

1-6-9 TERM OF APPOINTED OFFICIALS.

(A) **Terms of Office.** All of the officials appointed in this Article by County Board Chairman with the advice and consent of the County Board and shall serve at the will of the County Board.

(B) **Salaries.** All appointees shall receive a salary as provided for in the annual budget.

(C) Pursuant to the Article, the following officers shall be appointed:
Emergency Management Coordinator
Animal Warden
Health Insurance – Privacy Official

(D) **Emergency Management Coordinator; Duties.** His duties shall be as are provided in **Chapter 30** of the County Code.

(E) **Animal Warden; Duties.** The Warden's duties shall include administering and enforcing the regulations in the Animal Services Code in **Chapter 3**.

1-6-10 CENTRALIZED PAYROLL SYSTEM. The County does hereby adopt a centralized payroll system. Some features are:

(A) Each employee shall be paid every other Friday.

(B) If an employee scheduled to receive pay is not working on the payday then his/her check is to be mailed, or available for pick up by the employee only at the County Clerk's office.

(C) Checks are to be drawn on a central payroll clearing account.

(D) In no case will payroll funds be transferred to officeholders or department checking or savings accounts.

(E) Employees are not to be paid ahead, that is paid for time or services not performed.

(F) It is not the intent of this Section to conflict with Attorney's opinion, Judicial decisions, or State of Illinois law. If part of this Section is determined to be in conflict with the laws of Illinois, then the remainder of this Section is to stay in force.

ARTICLE VII - GENERALLY

1-7-1 COUNTY BOARD DISTRICTS. The County Board Districts shall consist of the following election precincts:

<u>DISTRICT</u>	<u>CONSISTING OF FOLLOWING PRECINCTS</u>
1	<u>Quincy</u> 6, 7, 34, 35, 36, 37, 38, 39, 40
2	<u>Quincy</u> 1, 2, 3, 4, 5, 10, 11, 12, 14
3	<u>Quincy</u> 13, 16, 19, 20, 21, 29, 30, 31, 32, 33
4	<u>Quincy</u> 15, 17, 18, 22, 23, 24, 25, 26, 27, 28
5	<u>Mendon</u> 1, 2 <u>Ursa</u> <u>Ellington</u> 1, 2, 3 <u>Riverside</u> 1, 2, 3 <u>Quincy</u> 8, 9
6	<u>Clayton</u> <u>Northeast</u> <u>Camp Point</u> 1, 2 <u>Houston</u> <u>Honey Creek</u> <u>Keene</u> <u>Lima</u> <u>Concord</u> <u>McKee</u> <u>Beverly</u> <u>Columbus</u> <u>Liberty</u> <u>Gilmer</u>
7	<u>Richfield</u> <u>Burton</u> <u>Payson</u> 1, 2 <u>Melrose</u> 1, 2, 3, 4, 5, 6 <u>Fall Creek</u>

(Adopted 8/9/11, as amended 9/13/11)

ARTICLE VIII – INVESTMENT POLICY

1-8-1 **SCOPE OF POLICY.** This Investment Policy applies to the investment activities of all funds under the jurisdiction of the Adams County Treasurer. This Investment Policy will also apply to any new funds or temporary funds placed under the jurisdiction of the Adams County Treasurer. The Illinois State Statutes will take precedence except where this Policy is more restrictive wherein this Policy will take precedence.

1-8-2 **OBJECTIVES.** The Adams County Treasurer invests county monies in accordance with all applicable Illinois statutes and in adherence to “the prudent person rule.” Investments can be made in U.S. Treasury Bills, Certificates of Deposit, and interest bearing bank accounts. This investment policy applies to the investment activities of all funds under the jurisdiction of the Adams County Treasurer.

All approved Adams County banks have an equal opportunity to bid on investments. Consideration is given to safety, liquidity, and return of investments. Financial reports of all depositories are examined quarterly. All balances in excess of the FDIC limit are collateralized between 100% and 110%, depending on the maturity of the deposit and the type of security pledged; such collateral being backed by the U.S. Government and held in a third-party custodial bank.

Accounts are monitored and receipts are deposited daily. Cash accounts are swept to higher interest bearing accounts until needed. Funds are invested in maturities up to 365 days depending on cash flow needs. The investment schedule is updated weekly. E-pay tax collections are collected and held in the State Treasurer’s Illinois Funds Money Market Fund until distribution.

The Adams County Treasurer has designated the Deputy Treasurer as an alternate signature, authorized to sign on financial accounts in the absence of the Treasurer. An independent auditor annually monitors all internal investment policy controls.

This policy may be reviewed from time to time and revised upon approval of the Finance Committee.

(REVISED 1/11/2011)

ARTICLE IX – APPOINTED OFFICIALS

1-9-1 TERM OF APPOINTED OFFICIALS. The term of office for the following appointed officials shall be from appointment by the County Board.

1-9-2 EMERGENCY MANAGEMENT COORDINATOR.

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

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

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

- (1) Act as staff officer to and perform all duties as required by the Chief Elected Official of Adams County.
- (2) Have direct responsibility for the organization, administration, training and operation of Adams County EMERGENCY Management Agency (hereinafter "EMA") and volunteers.
- (3) Advise and train Adams County businesses, and any other organizations, public or private, in mitigation, preparation, and response to natural and man-made disasters.
- (4) Assist, advise, and train Adams County school districts in mitigation, preparation, and response to natural and man-made disasters.
- (5) Provide training to first responders in non-tactical subjects such as incident Command, HazMat Awareness, etc.
- (6) Coordinate various community volunteer groups with first responders during disasters, maintain a working relationship, provide training, and integrate the volunteer groups into the first response community.
- (7) Provide emergency preparedness training and outreach programs to the general public.
- (8) Administer programs and grants from State and Federal entities.
- (9) Maintain the County's Emergency Operations Plan (hereinafter "EOP") and Resource Manual.
- (10) Maintain the Emergency Operations Center at 100% readiness.

- (11) Fulfill all state requirements to maintain the emergency management programs.
- (12) Act as an intermediary between local first responders and county entities.
- (13) Assist local communities' mitigation, response and recovery actions.
- (14) Access state and federal assets.
- (15) Initiate and maintain public safety programs.
- (16) Report activities and concerns to the Adams County Board and its Public Safety Committee.

1-9-3 COUNTY ENGINEER.

(A) **Appointment.** The County Board Chairman shall appoint, with the advice and consent of the County Board, a County Engineer.

(B) **Term.** The County Engineer shall serve a term of office of **six (6) years.**

ARTICLE X – MEETING PROCEDURES

DIVISION I – RECORDING CLOSED MEETINGS

1-10-1 RECORDING CLOSED SESSIONS. The County shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the County or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

1-10-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS. The County Clerk or his or her designee shall be responsible for arranging for the recording of those closed or executive sessions of the county board. In the absence of the County Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the County Board. The meeting Chair will arrange for the audio or video recording of the each subsidiary public body of the County and designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the County Clerk with a copy of such recording. The County Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the County and all subsidiary public bodies of the County.

1-10-3 CLOSED SESSION MINUTES. In addition to the recordings of the closed and executive session as addressed in this Division, the County will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

1-10-4 REMOTE ATTENDANCE POLICY.

(A) **Policy Statement.** It is the policy of the County that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or Internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Prerequisites.** A member of the Covered Group of the County shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets the following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

- (1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;
- (2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the County; or (3) the member cannot attend because of a family or other emergency; and
- (3) a quorum of the Covered Body must be physically present.

(C) **Voting Procedure.** After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

(E) **Minutes.** The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that member to be allowed to participate. The meeting minutes of the County shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

1-10-5 - 1-10-10 RESERVED.

ARTICLE XI - TRAVEL AND LIVING EXPENSES

1-11-1 APPLICABILITY AND AUTHORITY.

(A) All members of the County Board, County Officials, and County Employees shall comply with the procedure set forth below in order to be reimbursed for travel and living expenses, which may be incurred within or without the County of Adams but must be necessary and related to the conduct of County business.

(B) Department Heads are responsible for planning the specific travel and educational needs of their departments. They shall request sufficient funds for these purposes plus the incidental daily travel needs of their departments when submitting their annual budget request. Passage of the budget by the County Board shall constitute authority to the Department Head to implement those plans. Travel expenses incurred in the conduct of County business shall be reimbursed upon submittal of proper receipts and appropriate committee approval.

1-11-2 REIMBURSABLE TRANSPORTATION EXPENSES.

(A) Modes of transportation authorized for official use shall include automobiles, railroads, airlines, buses, taxicabs and other usual means of conveyance. Transportation expenses shall include fares, baggage expense and reasonable tips. Reimbursement requests for all fares must be accompanied by receipts.

(B) All travel shall be by the most direct route; the individual shall bear the additional costs of traveling an indirect route.

(C) All travel shall be by the most economical mode of transportation available considering travel time, costs and work requirements. Airplane travel shall be reimbursed at air coach rates only.

(D) Expenses for the use of a private automobile shall be reimbursed at the rate of **Thirty-Five Cents (\$0.35)** per actual mile traveled. This reimbursement rate shall be construed to include any and all costs for the operation of a privately owned automobile on County business, the County not incurring any additional liability therefrom.

(E) The County shall reimburse parking fees and highway and bridge tolls. Requests for reimbursement of such fees must be accompanied by receipts, where possible.

1-11-3 REIMBURSEMENT OF LIVING EXPENSES. Personal living expenses shall be reimbursed for authorized County travel. Reimbursement policies for meals and incidental expenses are based on IRS guidelines for an accountable plan, which allows it to reimburse employees for authorized business expenses with no effect on compensation. Employees may elect **three (3)** methods of reimbursement; an accountable per diem plan, travel advance plan, or reimbursement plan (shown below).

- (A) **Acceptable Living Expenses May include:**
 - Employee purchased meals
 - Parking costs
 - Toll booth charges
 - Tips and baggage handling charges

- (B) **Unacceptable Living Expenses May include:**
 - Expenses that will be reimbursed by another organization
 - Personal entertainment
 - Alcoholic beverages
 - Meal expenses for travel within the County boundaries

- (C) **Substantiation of Documentation.**
 - (1) The date and approximate time of departure from and return to the traveler’s headquarters or residence. When any personal leave is taken while on official travel status, the number of personal days must be specified on the voucher.
 - (2) The date(s) of the event. This is the period of time the actual event is held and may differ from departure and return dates.
 - (3) The origin and destination of the trip. Travel within a local area should also be indicated.
 - (4) The purpose for the travel or the nature of the business benefit derived as a result of the travel.
 - (5) The amount of each expenditure, listed by date and location.

[NOTE: Claims for reimbursement of expenses paid for others shall include the names of persons on whose behalf expenses were incurred, an itemization of the expenses, and other pertinent supporting documentation.]

- (D) **Documentation Requirements.**
 - (1) **Receipts.** The original of the following receipts must be submitted with the travel expense voucher:
 - (a) Receipts for all major travel expenses (i.e., airline, railway, car rental, taxi expenses).
 - (b) Receipts for all lodging expenses incurred. Since hotel receipts may include charges that are not reimbursable, the traveler shall not be reimbursed for lodging expenses unless the receipt presented by the

traveler contains itemized charges for the room, e.g., taxes, telephone, etc.

- (c) Receipts for all miscellaneous or incidental expenses over **Ten Dollars (\$10.00)**, except for the travelers electing the accountable per diem plan for reimbursement.
- (d) An agenda, itemized receipt, or other supporting documentation for all registration fees.

(E) **Certification of Travel Expenses.** The traveler must sign the Travel Expense Voucher certifying that the amounts claimed are a true statement of the expenses incurred on official County business and that the original of all required receipts has been submitted.

Missing Original Receipts. When original receipts are required but cannot be obtained or have been lost and all measures to obtain a duplicate receipt have been exhausted, a statement should be provided explaining why such receipts are not being submitted with the travel expense voucher. The statement must include a certification that the amount shown is the amount actually paid and that the traveler has not and will not seek reimbursement from any other source.

[NOTE: The voucher must be signed by the traveler, as well as the responsible manager.]

1-11-4 PER DIEM ALLOWANCE.

(A) A "per diem" allowance of \$25.00 per day for meals and incidental expenses incurred by employees for training which requires an overnight stay(s) may be paid from the accounts payable system under the IRS's accountable per diem plan. The plan requires that the training is substantiated with dates, place, and purpose of training. In addition, the IRS, and thus the county, will pay the full per day diem for any full day at training; travel days are paid at $\frac{3}{4}$ of the per diem. For example, John Doe is traveling on Monday for training, spends Tuesday and Wednesday in training, and returns on Thursday. Mr. Doe is paid $\frac{3}{4}$ of the per diem rate for Monday and Thursday, and 100% of the per diem rate for Tuesday and Wednesday. To substantiate the travel was overnight; proof of the overnight stay must be provided.

No receipt for meals is required if the "per diem" allowance is claimed.

(B) The cost of meals purchased for persons, other than County Employees, shall be reimbursed if the reason for the expense is deemed to be in the best interests of the County. The reimbursement request shall indicate why and for

whom the expense was incurred. Extreme discretion shall be used by all officials in granting this reimbursement.

(C) The actual cost of accommodations, excluding room service and valet service, shall be reimbursed. Receipts must accompany all requests for reimbursement.

1-11-5 TRAVEL ADVANCES.

(A) The County will advance to the traveler upon proper request the following:

- (1) Estimated meal expense at the per diem rate of **Twenty-Five Dollars (\$25.00)**.
- (2) Estimated single room rate for the number of nights expected to be stayed by the traveler. Where at all possible, the hotel expense should be paid in advance. When a traveler receives an advance expense check, the amount so advanced will be set up on an individual account receivable from the traveler.
- (3) After **ten (10) working days**, the traveler must turn in all receipts and settle his account with the County. If the traveler owes the County, he must submit payment immediately or the County will deduct any such debt from the payroll check of the traveler.

1-11-6 REIMBURSEMENT REQUESTS.

(A) Reimbursement of private automobile usage expenses must be requested on an approved form, which shall show the payee's name, trip dates, net mileage, destination, and purpose of the trip.

(B) Claims for travel expense reimbursement shall be submitted on an approved form, following the guidelines as set forth above. Expenses which were prepaid by the County, such as fares and registration fees, shall be deducted in order to arrive at a net reimbursement amount. Receipts for all expenses must be signed by the individual and approved by the department head before any claims may be paid.

(C) All claims for reimbursement shall be examined by the appropriate committee(s) of the County Board.

(D) All claims for reimbursement shall be subject to review and final approval by the County Board.

ARTICLE XII – CREDIT CARD POLICY

1-12-1 APPLICABILITY AND AUTHORITY.

(A) This policy is developed to ensure that all credit cards issued under agreements with the County of Adams:

- (1) serve a legitimate business purpose;
- (2) are used for authorized business purposes only, consistent with State, IRS, and County of Adams policies and guidelines; and
- (3) are adequately monitored by management for compliance.

(B) Credit cards will be issued in the name of the county, as well as the name of the employee.

NOTE: Offices/departments obtaining a credit card for efficiency should NO LONGER require a petty cash fund.

(C) Cardholder refers to the staff member whose name appears on the credit card.

1-12-2 PROCEDURES.

(A) Issuing Credit Card(s)

- (1) Applicant Criteria
 - (a) be an ongoing or fixed term employee of the County of Adams;
 - (b) occupy a position that has a regular and demonstrated need to purchase goods/services within their unit or is required to travel on behalf of the county; and
 - (c) be willing to accept and abide by the conditions of use as stated in Cardholder agreement form.

(B) Credit Limits. Credit limits on credit cards should be determined by the anticipated monthly expenditure required by the position held within the unit. The following serves as a guide in establishing an appropriate limit:

- (1) Purchases < \$500.00 per month: \$1,000.00 card limit
- (2) Purchases < \$1,000.00 per month: \$1,500.00 card limit
- (3) Maximum \$2,500.00 (excluding the Technology Department)
- (4) Maximum card limit is \$5,000.00 that may be adjusted up or down by an approved County Board resolution (Technology Department only). As adopted 6/11/13.

(C) Credit Approval. In addition to the criteria set out above, for a card to be issued applications must:

- (1) have an approved application from the Finance Committee on file in Accounts Payable; and
- (2) the application must be supported by the officeholder/elected official responsible for budgetary control over the unit of employment.

(D) Withdrawal of Credit Card(s). A credit card may be withdrawn for any of the following reasons:

- (1) Misuse of card by Cardholder including unacceptable or inappropriate expenditure.
- (2) Non-compliance with conditions governing the issuing of credit cards.
- (3) Transfer to another position or unit.
- (4) The position currently held within the unit no longer requires a credit card or the card has not been used for 12 months.

(E) Withdrawal Requirements. When a credit card is withdrawn, the County requires the Cardholder to:

- (1) destroy the card for security purposes by cutting through the card number;
- (2) return the destroyed card to Accounts Payable, and
- (3) undertake a reconciliation of the final statement, or if leaving the employer provide the card and all relevant documentation, receipts, invoices and the like so that a reconciliation may be undertaken on receipt of the final statement.

(F) Conditions of Use.

- (1) Cards are only to be used by the person whose name appears on the credit card.
- (2) Credit cards, under no circumstances, should be used for non-business expenditures.
- (3) The issue of a credit card gives the Cardholder authority to incur expenditures up to the limit of the card.
- (4) Misuse of a county credit card may result in disciplinary action or legal proceedings being initiated by the county.
- (5) Travel must be approved prior to expenses being incurred for travel.

- (G) Usage Guidelines. The Cardholder may place an order with a supplier:
- (1) in person;
 - (2) by phone or fax;
 - (3) by mail; or
 - (4) via the Internet only when the site has been confirmed secure.

NOTE: Ensure orders placed via the Internet provide a confirmation/invoice of goods purchased.

- (a) The most common security symbol is the presence of a padlock usually located at the bottom of the screen.
- (b) A valid security certificate showing a current end date can usually be accessed by double clicking on the padlock symbol.
- (c) Another example may be web address that commences with https. In this case the "s" suggests it is a secure site.

NOTE: Before placing an order with a supplier, the county tax exempt number shall be obtained.

- (H) Appropriate Uses for Credit Card.
- (1) payment for goods/services in full or part supply;
 - (2) conference fees;
 - (3) subscription fees for professional magazines or newspapers;
 - (4) travel expenses where the staff member has elected NOT to receive per diem or a travel advance and which are also deemed appropriate;
 - (5) general consumables; and
 - (6) equipment items with a value less than \$2,500 (excluding the Technology Department).
 - (7) Equipment items with a value that is less than or equal to the available credit card limit (Technology Department only). As adopted 6/11/13.

- (I) Inappropriate Uses for Credit Card.
- (1) private expenses;
 - (2) private telephone accounts including Internet/broadband services;
 - (3) travel costs where the staff member has elected to receive reimbursement for actual costs or has elected to receive a per diem or specified travel advance;

- (4) withdrawal of cash;
- (5) equipment with a value of \$2,500 or greater (excluding the Technology Department), and
- (6) equipment with a value that is greater than the available credit card limit (Technology Department only). As adopted 6/11/2013.
- (7) used to purchase services from an individual who is not incorporated and who would normally be issued an IRS Form 1099 at year-end.

NOTE: Late fees/penalties will be the responsibility of the cardholder.

(J) Applying for a Credit Card. Once the need for a credit card is determined an applicant must complete, sign, and date the application form.

1-12-3

APPROVAL PROCESS.

- (A) The applicant must submit the request to the elected official/appointed official who holds budgetary responsibility for the relevant cost center on the application; and
 - (1) If the elected official/appointed official determines they are willing to support the application, they must sign and date the bottom of the application form. Amendments may be made (i.e. credit card limits).
 - (2) If the elected official/appointed official determines they are not willing to support the application, they must advise the applicant and return the document.
- (B) Forward the approved application to the Finance Committee.
 - (1) If the Finance Committee determines they are willing to support the application, the document should be signed, dated and forwarded to accounts payable. Amendments may be made (i.e. credit card limits).
 - (2) If the Finance Committee determines they are not willing to support the application, they should advise the elected official/appointed official of their decision.

1-12-4

CREDIT CARD USAGE.

(A) Cardholder must:

- (1) read this document thoroughly to become familiar with the requirements of the County; and

- (2) ensure sufficient budget funds are available to cover purchases.
- (B) Actual Usage. When using a credit card Cardholders should:
 - (1) obtain an invoice/receipt displaying suppliers;
 - (2) each Cardholder should document on receipts the business purpose of spending when the vendor name and/or documentation associated with the spending in itself raises the obvious question as to the business propriety of it;
 - (3) ensure suppliers record full and proper descriptions of items or services on invoices/receipts;
 - (4) provide tax number to all suppliers to avoid taxes;
 - (5) sign and date all receipts/invoices;
 - (6) confirm the supplier site is secure when placing an order via the Internet;
 - (7) ensure goods and services are received in good order and condition;
 - (8) ensure a credit is received for any returns or refunds;
 - (9) ensure expenditure does not exceed monthly credit limit; and
 - (10) report lost, stolen or damaged cards immediately to accounts payable.

1-12-5 **STATEMENT RECONCILIATIONS.** The Cardholder should keep all invoices/receipts from purchases in a safe place until the monthly statement arrives from the credit provider. Monthly statements will be sent directly to the cardholder at their county location.

- (A) On receipt of the statement the cardholder should:
 - (1) check each transaction for accuracy;
 - (2) enter the appropriate account numbers against each item;
 - (3) include a full description of the goods/service;
 - (4) note on invoices/receipts for entertainment expenses the number of staff and the number of non-staff attending;
 - (5) attach all invoices/receipts and other necessary documentation to the statement;
 - (6) notify the credit card provider if an unidentified transaction appears and attach the notification to the credit card statement; and

- (7) sign the statement for authenticity and forward to the elected official/appointed official who holds budgetary responsibility for the relevant cost center.

(B) On receipt of the signed statement from the Cardholder the elected official/appointed official should:

- (1) check to ensure all documents are attached to the statement;
- (2) check all expenditures are in accordance with county policy;
- (3) sign the statement as approved, and
- (4) forward to accounts payable for payment and subsequent approval from the Finance Committee.

(C) In the event that an expenditure is identified as inappropriate the Cardholder should be informed immediately of the breach of conditions and corrective action taken. The Cardholder may be required to reimburse the county and/or disciplinary action may be taken.

(See Ord. #2008-07-001-002)

ARTICLE XIII – PERSONAL USE OF COUNTY PROPERTY

1-13-1 INTRODUCTION. The County of Adams has established a policy involving County owned property, including but not limited to County owned motorized vehicles, non-owned personal vehicles used for County business, private practitioner office facilities and cell phones. The County is committed to provide services to its residents as timely and efficiently as possible.

1-13-2 USE OF VEHICLES POLICY. In order to achieve these goals, department supervisors may determine that it is necessary to require employees to use County owned vehicles for transportation to and from work so they can respond quicker and more efficiently to emergency situations. The departments involved are primarily, but not limited to, the Highway Department and the Sheriff’s Department.

The use of County owned vehicles is a privilege to the employees and decisions involving this matter will be at the discretion and authorization of each department supervisor, with oversight by the associated committees of the County Board and the County Board at large. The employees are to be responsible and accountable for the proper uses of the property while in their possession.

- (A) Requirements while operating County property
 - (1) Precautions are to be taken to prevent theft, vandalism, and damage to property at all times
 - (2) Obedience of all laws while using County property
 - (3) Have a valid driver’s license enabling the employee to operate the vehicle
 - (4) A good driving record with no violations resulting in suspension of license or restrictions on insurance coverage
 - (5) Employee assures that the use of the property is for its intended purpose
 - (6) Maintain adequate record keeping, including but not limited to mileage logs, as required by the department supervisor in order to satisfy IRS rules and regulations.

- (B) Prohibited use of County property
 - (1) Personal use other than allowed by this policy or determined by the department supervisor
 - (2) Irresponsible behavior while operating County property that could cause harm to others

- (3) Actions that may cause the County property to be damaged in any way
- (4) Uses of property in ways not intended
- (5) Nobody other than the employees, including their family members, may use the property
- (6) Use of the property outside the of the County except for official business authorized by the office holder or department head
- (7) Any other use of the property that could result in the perception of abuse of these privileges by the taxpayers of the County

1-13-3 **RESPONSIBILITY.** The County Board reserves the right to monitor the policy and may require the department supervisors to provide updates and reports, including a cost to benefit analysis, in order to determine the efficiency and effectiveness of the policy and make needed changes.

1-13-4 **INTERNAL REVENUE SERVICE.** The Internal Revenue Service considers personal use of County owned property as taxable fringe benefits. In accordance with IRS Publication 15-B "Any fringe benefit provided is taxable and must be included in the recipients' pay unless the law specifically excludes it." An exception is provided for qualified non-personal use property.

- (A) Qualified nonpersonal-use vehicles
 - a. Clearly marked police and fire vehicles
 - b. Unmarked vehicles used by law enforcement officers. The officer must be authorized to carry a firearm, execute a search warrant and make arrests
 - c. An ambulance or hearse used for its specific purpose
 - d. Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds
- (5) Delivery trucks with seating for the driver only or driver plus a folding jump seat
- (6) School buses
- (7) Tractors and other special purpose farm vehicles

1-13-5 **FRINGE BENEFIT.** All employees' use of a qualified nonpersonal-use vehicle in working condition is a fringe benefit and the value of this benefit is excluded from income.

1-13-6 **COMMUTING RULE.** Any employee receiving a fringe benefit that does not include a "qualified nonpersonal-use" vehicle as listed above, will be required to include in their wages income from the use of County property based upon the "Commuting Rule" of determining value.

Under this rule, the value of the property provided to the employee *for commuting purposes only* is determined by multiplying each one-way commute by \$1.50(\$3.00 per day,) regardless of the length of the commute. This method has been adopted by the County Board and will be used to determine the extent to which income is included in the employees' wages. Each department supervisor will be responsible for reporting these wages to the County Clerk to be included on the employees' W-2's. As such, all of the following requirements must be met.

(A) The County provides a vehicle to the employee for use in the County's business, and the employee is required to commute in that vehicle.

(B) This policy does not allow the employees to use the vehicles for personal purposes other than for commuting of de minimis personal use.(i.e. stopping at a convenience store going to or from work)

(C) Each affected County employee will be given a copy of this policy and be expected to adhere to it without exception.

1-13-7 **Mileage and Truck Lease.** Employees that use personal vehicles for County business and are paid a stipend for use of such vehicle will be deemed to have taxable income that must be included as wages for the employees unless a report of miles is submitted to document the use of the vehicle for county business. A county wide mileage form is attached. This form or a similar version is required to be completed monthly and submitted to the office holder or department head.

1-13-8 **Office Expense Reimbursement.** Employees that conduct County business from their private business offices and are paid a stipend for office will be deemed to have taxable income that must be included as wages for the employees unless a billing for such expense is submitted to document the use of the office for county business.

1-13-9 **Reserved.**

1-13-10 Cell Phones Policy. The County of Adams is committed to providing an environment that encourages the use of computers and electronic tools to support the County’s business. It is the responsibility of each employee to ensure that this technology is used for proper business purpose and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. The use of cell phones is a privilege and requires the users to be responsible and accountable for their actions at all times.

By using a cell phone issued by the County of Adams employees agree and understand that this technology has been provided by the County of Adams for use by its employees in business transactions/communications for the County of Adams. County cell phones are provided to improve customer service and to enhance business efficiency. Cell phones are not a personal benefit and should not be used as a primary mode of personal communication. Cell phones should not be used when a less costly alternative is safe, convenient and readily available. Department heads are responsible for reviewing all cell phones bills of their staff for proper reimbursement of personal calls. The Finance Committee will rely upon the department head’s authorization for accuracy of personal vs. work-related calls.

(A)

Basic Tenets

- (1) There should be no inappropriate messages that refer to race, gender, color, national origin, religion, age, disability, sexual orientation or a protected class status as established by law.
- (2) There shall be no harassment in any form.
- (3) All sexually explicit materials including indecent images, cartoons or jokes are explicitly banned.
- (4) Personal attacks on co-workers or business associates are prohibited, as is hate mail, vulgar or otherwise offensive language.
- (5) The County of Adams reserves the right to review, audit and monitor its electronic equipment, including an employee’s itemized cell phone usage, call history (incoming and outgoing) and phonebook entries at its discretion in the ordinary course of business.
- (6) Unauthorized use of cellular phones includes:
 - a. Use of personal business or personal causes
 - (b) Use of unassigned equipment

- (c) Misrepresenting one’s identity
- (d) Installing unauthorized programs or files
- (e) Removing required business programs or files
- (7) Any employee who violates this policy shall be subject to discipline, up to and including termination of employment.
- (8) The IRS considers personal use of a company-owned asset as a taxable fringe benefit. Cell phone usage that is for personal use may be deemed a taxable benefit per IRS Publication 15-B Employer’s Guide to Fringe Benefits and IRS Publication 525 Taxable & Nontaxable Income. Per IRS Publication 15- B “Any fringe benefit you provide is taxable and must be included in the recipient’s pay unless the law specifically excludes it.” (IRS Publication 15-B section 2). Fringe Benefits Exclusion Rules discusses 19 benefits that are exclusions. “The excluded benefits are not subject to federal income tax withholding. Also, in most cases, they are not subject to social security, Medicare or federal unemployment tax and are not reported on Form W-2.”.

(B) Exclusions. There are three pertinent exclusions for the purpose of this policy.

(1) De minimis (minimal) benefits – any property or service you provide to an employee that has so little value (taking into account how frequently you provide similar benefits to your employees) that accounting for it would be unreasonable or administratively impracticable.

(2) No-Additional-Cost Services – a service you provide to an employee if it does not cause you to incur any substantial additional costs.

(3) Working Condition Benefits – property and services you provide to an employee so that the employee can perform his or her job.

(C) Assignment. Department heads shall determine the cellular usage requirements for employees under their supervision and should limit assignment of the cell phone to employees who have a legitimate business need.

(D) Termination. County cell phones must be returned within three business days after an employee has terminated their employment or after an elected official has ended their term.

(E) Personal Usage Charge. Employees that have County cell phone privileges will have a deemed personal usage charge of \$5.00 per month for personal use of the phone that will be included as wages for the employee subject to related employment taxes.