

CHAPTER 36: OTHER VILLAGE POLICIES

Section

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§ 36.01 OFFICIAL LANGUAGE.

- (A) The official language of the Village is declared to be the English language.
- (B) (1) Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Village, or any of its officials or representatives, act, communicate, perform, or provide services, or provide materials, in any language other than English.
 - (2) If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English.
- (C) (1) As the official language, the English language shall be used for all public acts, including every ordinance, resolution, vote, and election, and for all records and judicial proceedings of the Village.
 - (2) All public ceremonies shall be conducted solely in the English language.
(Ord. 3-10-A, passed 12-20-2006; Amd. Ord. 2014-2-1-A, passed 06-18-14)

§ 36.02 REGULATION OF WAGES FOR PUBLIC WORKS EMPLOYEES.

- (A) (1) To the extent and as required by “An Act regulating wages of laborers, mechanics and other workmen employed in any public works by the state, county, city or any public body or any political subdivision or by anyone under contract for public work,” approved 6-26-1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics, and other workers engaged in the construction of public works coming under the jurisdiction of the Village is hereby ascertained to be the same as the prevailing rate of wages for construction work in Lake and McHenry Counties as determined by the State Department of Labor.
 - (2) As required by the Act, any and all revisions of the prevailing rate of wages by the State Department of Labor and of the state shall supersede the Department’s previous determination and apply to any and all public works construction undertaken by the Village.
 - (3) The definitions of any terms appearing in this section which are also used in the aforesaid Act shall be the same as in the Act.
- (B) Nothing herein contained shall be construed to apply the general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the Village to the extent required by the aforesaid Act.

- (C) The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of this Village this determination or any revisions of the prevailing rate of wage.
- (D) The Village Clerk shall mail a copy of this determination to any employer, to any association of employers, and to any person or association of employees who have filed their names and addresses requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by the rates.
- (E) The Village Clerk shall cause to be published a copy of this section and post it in accordance with state statutes.

(Ord. 1-5-E, passed 3-15-2006; Amd. Ord. 2014-2-1-A, passed 06-18-14)

§ 36.03 FAIR EMPLOYMENT PRACTICES.

- (A) It shall be unlawful for any official of the Village, or his or her agent or employee, for or on behalf of the Village, involving any public works of the Village, to:
 - (1) Refuse to employ or discharge any person, otherwise qualified, on account of race, color, creed, national origin, or ancestry;
 - (2) Discriminate for the same reasons in regard to tenure, terms, or conditions of employment;
 - (3) Deny promotion or increase in compensation solely for these reasons;
 - (4) Publish an offer of employment based on that discrimination;
 - (5) Adopt or enforce any rule of employment policy which discriminates between employees on account of race, color, religion, national origin, or ancestry;
 - (6) Seek that information as to any employee as a condition of employment; or
 - (7) Penalize any employee or discriminate in the selection of personnel for training solely on the basis of race, color, religion, national origin, or ancestry.
- (B) All contracts hereafter negotiated or renegotiated by or for the Village shall contain the equal employment opportunity clause required by the State Fair Employment Practices Commission as a material term of all public contracts, which reads:

“Equal Employment Opportunity

1. In the Event of the Contractor’s noncompliance with any provision of this equal employment opportunity clause, the Illinois Fair Employment Practices Act or the Fair Employment Practices Commission’s Rules and Regulations for Public Contracts, the Contractor may be declared nonresponsible and therefore ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or avoided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation.

During the performance of this contract, the Contractor agrees as follows:

- 1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.
- 2) That, if it hires additional employees in order to perform this contract or any portion hereof, it will determine the availability (in accordance with the Commission's Rules and Regulations for Public Contracts) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
- 3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, national origin, ancestry, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service.
- 4) That it will send to each labor organization or representative or workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts. If any such labor organization or representative fails or refuses to cooperate with the Contractor in its efforts to comply with such Act and Rules and Regulations, the Contractor will promptly so notify the Illinois Fair Employment Practices Commission and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
- 5) That it will submit reports as required by the Illinois Fair Employment Practices Commission's Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Commission or the contracting agency, and in all respects comply with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.
- 6) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Illinois Fair Employment Practices Commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.
- 7) That it will include verbatim or by reference the provisions of paragraphs 1 through 7 of this clause in every performance subcontract as defined in Section 2.10(b) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor; and that it will also so include the provisions of paragraphs 1, 5, 6, and 7 in every supply subcontract as defined in Section 2.10(a) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor. In the same manner as with other provisions of this contract, the Contractor will be liable for compliance with applicable provisions of

this clause by all its subcontractors; and further it will promptly notify the contracting agency and the Illinois Fair Employment Practices Commission in the event any subcontractor fails or refuses to comply therewith. In addition, no contractor will utilize any subcontractor declared by the commission to be nonresponsible and therefore ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

With respect to the two types of subcontracts referred to under paragraph 7 of the Equal Employment Opportunity Clause above, the following is an excerpt of Section 2 of the FEPC's Rules and Regulations for Public Contracts:

Section 2.10. The term "Subcontract" means any agreement, arrangement or understanding, written or otherwise, between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

- (A) For the furnishings of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is utilized in the performance of any one or more contracts; or
- (B) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken or assumed."

(Ord. 1-5-A, passed 3-15-2006; Amd. Ord. 2014-2-1-A, passed 06-18-14) Penalty, see § 10.99

§36.04: TRAVEL, MEALS AND LODGING EXPENSE REIMBURSEMENT POLICY AND REGULATIONS:

(A) Purpose; Effective Date:

The Illinois General Assembly enacted Public Act 99-0604, the "Local Government Travel Expense Control Act" ("the Act"), the provisions of which are applicable to all units of local government, including municipalities. The purpose of this Section is to establish a Village policy and regulations which are consistent with the Act relative to the approval of and reimbursement for expenses incurred relative to travel on official Village business, which expenses shall include but not be limited to travel, meal, and lodging expenses incurred by, or which are proposed to be incurred by, members of the Corporate Authorities of the Village and all Village officers and employees. This Section 36.04 is effective as of January 1, 2017.

(B) Definitions:

For purposes of this Section, the following words or phrases shall have the following meanings:

"ENTERTAINMENT" shall mean and include, but not be limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

"TRAVEL" shall mean any expenditure directly incident to official travel by Village personnel involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

“VILLAGE” shall mean the Village of Port Barrington, Lake and McHenry Counties, Illinois, a non-home rule unit of local government.

“VILLAGE PERSONNEL” shall mean all elected officials, all appointed officers, and all employees of the Village.

(C): Village Policy and Regulations for Reimbursement of Travel, Meals, and Lodging Expenses:

(1) Applicability:

This Section shall be and is hereby applicable to each member of the Corporate Authorities and/or other subsidiary commission, committee, or board of the Village, a non-home rule unit of local government, as well as to all Village personnel, and, except as otherwise provided herein, this Section supersedes any previous policies of the Village relative to reimbursement for travel expenses.

(2) Village Policy and Regulations:

(a) Village Policy Established: The Village hereby establishes the Village’s “Travel, Meals, and Lodging Reimbursement Policy” and Regulations as set forth in this Section for the reimbursement of travel expenses related to the official business of the Village incurred by or to be incurred by members of the Corporate Authorities and subsidiary boards, commissions, and/or committees of the Village, or by Village elected or appointed officials, officers and employees (sometimes referred to herein as the “Policy”), which Policy shall be as set forth below:

(b) Introduction:

- (i) Travel can play an important role in accomplishing the Village's mission to provide superior and responsive governmental services to Village residents. Good judgment and ethical practices on the part of each traveler are important factors in controlling travel expenses and ensuring that travel on behalf of the Village contributes to the Village’s mission.
- (ii) The travel authorization process is the responsibility of the Village President. Travel authorization is a two part process that includes the approval of the travel in advance and the reporting of expenses following the completion of the trip. Approval of travel expense reports is more than a formality. It indicates that expenses submitted have been reviewed and complied with Village procedures regarding travel and authorized business expenses.

(c) Required Procedures:

- (i) All Village personnel (i.e., all elected and appointed officials, officers, and/or employees) traveling or incurring business expenses on behalf of the Village, and those responsible for the approval of these expenses, are expected to follow the procedures described below to report and maintain control over travel expenses. The policies detailed below apply to all funds under Village control and are superseded only in those instances in which another agency is paying for the travel and applies specific and more restrictive rules and rates.

- (ii) Travel Authorization: Village policy requires that all travel that includes an overnight stay must be approved in advance by the Village President, except that for members of the Corporate Authorities of the Village, their reimbursement must be approved by a roll call vote of the Corporate Authorities of the Village at an open meeting held by the Corporate Authorities. This applies to even in instances in which the travel has been budgeted or a travel advance is not requested. Requests for travel authorization shall be submitted using the Village's Travel and Expense Reimbursement Report Form.
- (iii) Travel Arrangements: Village personnel should arrange travel using the least expensive means that is both safe and practical. Village personnel should use good judgment when determining logical routes for arriving at the intended destination.
- (iv) Air Travel: Village personnel are required to request flights according to approximate arrival and departure time, rather than by specific carrier or flight number, in order to obtain the lowest available fare with logical routing for all trips. In general, lowest available fare is defined as the least costly fare available at the time of ticketing, and may include one stopover or connecting flight. (This is not intended to limit travelers who may wish to arrange air fare using more than one stopover or connecting flight as savings and time permits.) In order to take advantage of available discounted fares, travelers are requested to make reasonable adjustments in their travel plans.

Village personnel should make air travel arrangements as far in advance as possible to take advantage of special fare savings. Travelers should be aware that some discounts have travel restrictions and cancellation penalties, and therefore good business judgment should be exercised. All air travel at Village expense must be by the least expensive fare type.

- (v) Ground Transportation: It is expected that Village personnel use the most effective ground transportation available, considering cost, time, and availability. The cost of public transportation is reimbursable and does not require a receipt unless one can be obtained.
 - (a) Taxi and Airport Transportation: Whenever practical, airport or hotel ground transportation should be the preferred method of transportation to hotels or meeting sites. Taxis may be used as necessary taking into consideration the cost of other means of transportation. A receipt is required for reimbursement of these expenses.
 - (b) Rental Passenger Automobiles: Rental automobiles may be used as necessary but must be approved in advance by the Village President. Receipts are required for reimbursement of all expenses related to rental automobile use.
 - (c) Personal Vehicles: Expenses of travel by automobile are reimbursable at the IRS authorized rate in effect at the time of travel. The mileage reimbursement allowance covers all automobile related costs; gasoline, insurance, maintenance etc. Toll charges and parking fees when supported by receipts, are reimbursable in addition to mileage allowance. The total personal automobile expenses shall not exceed the lowest available air fare.

Village personnel using personal vehicles on Village business must have adequate automobile insurance coverages in effect at all times when utilizing one's personal vehicle(s) for Village business in compliance with Village policy.

- (vi) Meals: The per diem allowance for meals including taxes and tips while on Village business shall not exceed the Internal Revenue Service (IRS) standard allowance for the locality, as found in Publication 1542 of the IRS. If the location traveled to is not included in the IRS publication, the standard meal allowance for the nearest city shall apply. Meal expenses and incidental expenses exceeding the standard per diem allowance are the responsibility of the respective Village personnel. The current standard allowance varies by locality with some locations in Illinois being higher than the standard rate.

When traveling on Village business, Village personnel should select restaurants which are reasonably priced for the locality. In addition, the Village will not in any event pay for alcoholic beverages, whether consumed with meals on a trip for Village business or otherwise, and receipts are required for meals purchased during the course of a trip for Village business.

Per diem allowances for partial days traveled shall be based on the per meal allowances outlined below. These allowances shall also apply to Village personnel attending in-state seminars and conferences not requiring an overnight stay. In either event, Village personnel will not receive a per diem allowance but will be reimbursed for meals not included in the registration costs. The following limits shall apply to meals purchased while conducting Village business:

- (a) Breakfast: Breakfast will be reimbursed whenever travel begins earlier than a normal breakfast and no meal is served at the seminar, conference, or other approved event. For a one day or half day seminar or training, Village personnel need to provide evidence that attendance required them to begin travel before 7 AM for reimbursement to occur. For instance, if Village personnel are attending a seminar in the suburbs that begins at 9 AM, he/she should not expect a reimbursement for breakfast to occur. The per diem meal allowance for breakfast shall be \$10.
- (b) Lunch: Lunch will be reimbursed provided that the trip begins before the lunch hour (or concludes following the normal lunch hour) and lunch is not included as part of the conference, seminar, or other approved event. The per diem meal allowance for lunch shall be \$15.
- (c) Dinner: Dinner will be reimbursed when Village personnel are away from the Village for the evening meal or does not return until after the normal dinner hour and no meal was provided as part of the conference, seminar, or other approved event. The per diem meal allowance for dinner shall be the balance of the IRS per diem allowance for the locality. For example, if the IRS per diem meal allowance for the locality is a total of \$50, the allowance for dinner shall be \$25 (calculated as \$50 minus \$10 for breakfast and \$15 for lunch).

- (vii) Lodging: Village personnel are expected to use reasonably priced lodging. When making reservations or registering, the person shall request and use the government rate or the conference rate, where available, but may, in any event, use one of a block of reserved rooms set aside for a conference, seminar, meeting, or other similar event. Lodging at the location of the respective event, meeting, seminar, or conference should be obtained whenever possible. Otherwise, good judgment should be used in selecting hotels which provide comfortable lodging at reasonable prices.
- (viii) Accompaniment by Family Member: The Village will not reimburse Village personnel for travel costs of family members traveling with Village personnel on official Village business. Should a family member accompany the Village personnel for personal reasons, only those costs related to the Village personnel's travel may be reimbursed.
- (ix) Combined Business/Personal Travel: Whenever Village personnel, for his or her convenience and/or enjoyment, travels to an approved event on official Village business by an indirect route or interrupts Village travel for personal travel or other reasons, any additional expenses incurred related to such personal travel are the responsibility of the Village personnel.
- (x) Non-Allowable Expenses: The Village's policy is to reimburse Village personnel for all reasonable and necessary expenses incurred while transacting the affairs of the Village. However, there are specific types of expenses which are considered to be personal, and are therefore not reimbursable. These include but are not limited to:
 - (a) Cleaning, pressing, and laundering or dry-cleaning of clothing;
 - (b) Personal entertainment including movies, videos or hotel/motel pay per view services;
 - (c) Airline and other trip insurance;
 - (d) Beautician, barber, manicurist and shoe shine;
 - (e) Personal telephone calls;
 - (f) Repairs on personal vehicle(s) damaged while on Village business;
 - (g) Traffic violations and court costs;
 - (h) Membership fees in airline or other clubs and/or associations; or
 - (i) The purchase of alcoholic beverage(s).
- (xi) Approved Forms of Payment: The preferred form of payment for travel expenses is by use of the credit card maintained by the Village for those expenses that can be paid in advance, such as airfare or a hotel room. Payments to Village personnel for other travel related expenses will be made after a copy of the completed Travel and Expense Reimbursement Report Form, together with all of the receipts for which reimbursement is requested, which has been approved by the Village President, has been submitted to the Village Treasurer and payment has been authorized by the Village Board where required by this Policy and/or by this Section. No payments will be made until and unless the Travel and Expense Reimbursement Report Form has been approved by the Village President.

Village personnel that have Village issued credit cards by the Village may use them to pay for travel related expenses. However, Village personnel shall

still be responsible for obtaining receipts and submitting a completed Travel and Expense Reimbursement Report Form to the Village Treasurer when the travel has been completed.

- (xii) Advances: The Village will not provide travel advances since the major travel expenses should be paid by using the credit card maintained by the Village. The Village will expedite reimbursing Village personnel for their travel expenses.
- (xiii) Expense Reporting: The Travel and Expense Reimbursement Report Form (“the Form”) should be completed in accordance with the instructions noted on the Form. Village personnel should provide as much detailed information as possible of all expenses itemized on the Form, including the cost of registration, books, literature, meals, hotel, airfare, etc. regardless of whether such expenses were paid directly to a vendor (e.g. registration fees) or by credit card (e.g. hotel bill). Original receipts must be included with the Form, except when it is impractical to do so or when specifically exempted by this Travel Policy (e.g. cost of public transportation, tips, parking meters, etc.).
- (d) Type(s) of Travel for Which Reimbursement May Be Requested: Village personnel may request reimbursement for the following type(s) of travel, lodging, and meals: Travel, lodging, and meals incurred in regard to professional municipal association meeting(s) and conference(s), continuing education meeting(s) and conference(s), economic development meeting(s) and conference(s); attendance at meeting(s) and/or conference(s) of intergovernmental organizations, associations, and/or councils of government, including but not limited to their annual meeting(s), conference(s), dinner(s), and/or legislative event(s); and fact-finding trip(s), legislative adjudication and/or administrative trip(s) to attend proceeding(s), hearing(s), and/or meeting(s) of other unit(s) of government, or meeting(s) with the members thereof, relative to matters directly or indirectly relating to official Village business, Village matters and/or activities, and/or impacting the Village and/or its officers, employees, and/or residents (sometimes collectively referred to herein as “Official Village Business”).
- (e) Entertainment Expenses: The Village shall not provide any reimbursement for entertainment expenses, as that term is defined herein.
- (f) Reimbursement of Expenses Incurred By or to be Incurred By All Village Personnel, Other Than Members of the Corporate Authorities:
 - (1) Each person requesting reimbursement by the Village of expenditures incurred, or to be incurred, for travel related to the official business of the Village shall be required to complete a form of request for reimbursement, as may be amended from time to time, provided by the Village and shall submit written evidence of all such expenses for which approval for reimbursement by the Village is requested. The information required to be provided on said form shall include, but not be limited to, the following:
 - (a) The name and job title, office or position with the Village of the individual who received or is requesting reimbursement;
 - (b) The date(s) and the nature of the official Village business for which such expenses were or are expected to be incurred;

- (c) If expenses have not yet been incurred, written estimate of the expected cost of the travel, meals, or lodging for which reimbursement is requested; and
 - (d) If expenses have already been incurred, written receipt of the cost of the travel, meals, or lodging for which reimbursement is requested.
 - (2) Reimbursement to any Village personnel (other than a member of the Corporate Authorities) for such travel expenses shall require the written approval of the Village President, or his or her designee.
- (g) Reimbursement of Expenses Incurred By or to be Incurred By Members of the Corporate Authorities of the Village:
- (1) Each member of the Corporate Authorities of the Village requesting reimbursement by the Village of expenditures incurred, or to be incurred, for travel related to Official Village Business as defined in this Section shall be required to complete a form of request for reimbursement, as may be amended from time to time, provided by the Village and shall submit written evidence of all such expenses for which approval for reimbursement by the Village is requested. The information required to be provided on said form shall include, but not be limited to, the following:
 - (a) The name, job title, or office with the Village of the individual who received or is requesting reimbursement;
 - (b) The date(s) and the nature of the Official Village Business for which such expenses were or are expected to be incurred;
 - (c) If expenses have not yet been incurred: A written estimate of the expected cost of the travel, meals, or lodging for which reimbursement is requested;
 - (d) If expenses have already been incurred: A written receipt of the cost of the travel, meals, or lodging for which reimbursement is requested;
 - (e) If reimbursement is being requested by a member of the Corporate Authorities of the Village related to the attendance at an event by such member's spouse, the specific event or event(s) must be identified and the reason for such request must be provided in writing.
 - (2) Reimbursement for members of the Corporate Authorities for all such travel, meals, and lodging expenses requires the written approval by a roll call vote of the Corporate Authorities at an open meeting held by the Corporate Authorities.
- (h) Maximum Cost of Expenses Which May Be Approved for Reimbursement: The maximum cost of expenses which may be approved for reimbursement by the Village for any travel, transportation, meals, and/or lodging shall be those amounts as set forth in this Section, as amended from time to time.
- (i) Approval of Expenses in Excess of the Approved Maximum Cost(s) or the Approved Estimated Cost(s):
- (1) Any request by Village personnel for reimbursement by the Village for costs incurred or estimated costs to be incurred for travel, meals, and/or lodging which are in excess of the approved maximum amount of expense for any such item or

items shall require the approval by roll call vote of the Corporate Authorities of the Village at an open meeting held by the Corporate Authorities of the Village.

- (2) If an expense or expenses is or are incurred by any Village Personnel pursuant to an emergency or other extraordinary circumstance(s), as determined by the Corporate Authorities of the Village, and exceed(s) the respective maximum amount(s) otherwise permitted by this Section for reimbursement, such expense(s) shall require the written approval by roll call vote of the Corporate Authorities of the Village at an open meeting held by the Corporate Authorities of the Village.
- (j) Public Records: As provided in the Act, all documents, including any forms and/or receipts submitted to the Village for reimbursement are and shall be public records subject to disclosure under the Illinois Freedom of Information Act (5 ILCS 140).

(Ord. 2016-12-21-3, passed 12-22-16)