

Ad Hoc Committee to Review Chapter 2 (“Administration”) of the Winnebago County Code

Called by: John Butitta, Chairman
Members: Paul Arena, Angie Goral,
Angela Fellars, Ray Thompson,
Christina Valdez, Jim Webster

DATE: MONDAY, MAY 5, 2025
TIME: 4:30 PM

LOCATION: ROOM 303
COUNTY ADMINISTRATION BLDG
404 ELM STREET
ROCKFORD, IL 61101

AGENDA:

- A. Call to Order
- B. Roll Call
- C. Public Comment – This is the time we invite the public to address the Ad Hoc Committee with issues and concerns. We ask you to limit your comments to three minutes. Personal attacks or inappropriate language of any sort will not be tolerated. We will allow a maximum of five speakers on a first come basis with sign up at the meeting. Speakers may not address zoning matters which are pending before the ZBA, the Zoning Committee or the County Board. Personnel matters or pending or threatened litigation may not be addressed in open session. An individual may speak a maximum of three times per calendar year on the same topic. This prohibition shall include the repetition of the same topic in a statement on what is purported to be a different topic. After acknowledgement by the chair, please stand and state your name.
- D. Discussion of Chapter 2 (“Administration”) of the Winnebago County Code – Attachment #1.
- E. Establish Meeting Schedule
- F. Future Agenda Items
- G. Adjournment

Attachment #2. – Ordinance Amending Chapter 2 (“Administration”) of the Winnebago County Code to Restore Administrative Authority to the County Board Chairman. (Introduced by Board Member John Sweeney at the 4/24/25 County Board meeting).

Chapter 2 - ADMINISTRATION

ATTACHMENT #1.*Footnotes:**-- (1) --*

Cross reference— *Administrative code enforcement procedures, ch. 4; administration of animal regulations, § 14-31 et seq.; housing code board of appeals, § 18-91 et seq.; emergency services and disaster agency, § 30-26 et seq.; emergency telephone system board, § 30-76 et seq.; court services department, § 34-32 et seq.; public defender, § 34-76 et seq.; sheriff's department, § 54-26 et seq.; personnel, ch. 62; taxation, ch. 78; administration and enforcement of sewers and sewage disposal regulations, § 86-46 et seq.; administration and enforcement of zoning regulations, § 90-36 et seq.*

ARTICLE I. - IN GENERAL

Sec. 2-1. - County recorder authorized to microphotograph; reproduce county instruments.

The county board hereby authorizes the county recorder to cause to be microphotographed or otherwise reproduced on film any such instruments as are entitled to be recorded in accordance with the provisions of 55 ILCS 5/3-5010.

(Code 1964, § 2-12)

Sec. 2-2. - Membership in Rock Valley Metropolitan Council.

- (a) The county hereby agrees to be a member of a council of governments to be known as Rock Valley Metropolitan Council.
- (b) The county hereby approves the form and content of the formation agreement and the proposed bylaws of the council, as attached hereto; and further, the action of the Rock Valley Planning Coordinating Committee in approving the same is hereby ratified.
- (c) The chairman of the county board and the county clerk are hereby authorized and directed respectively to execute and attest the formation agreement on behalf of the county and to affix thereto the corporate seal of the county.
- (d) The county clerk is hereby directed to transmit to the chairman of the county boards for the County of Boone in the State of Illinois and the County of Rock in the State of Wisconsin, certified copies of this resolution and original formation agreements executed as directed in this section.

(Code 1964, § 2-42)

Sec. 2-3. - Internet access fee.

A fee of \$10.00 per month, payable annually, is hereby established for the convenience of computer access to those public records that are electronically maintained by the county and its elected officeholders and which are accessible via the Internet. Each person or entity that subscribes to this service will be billed annually, during the month of October.

(Ord. No. 93-CO-30, 4-22-93; Ord. No. 2000-CO-41, 8-10-00; Ord. No. 2001-CO-61, 10-11-01)

Editor's note— Ord. No. 2000-CO-41 was amended on the county board floor on Aug. 10, 2000, to include a 14-month sunset provision regarding the monthly \$10.00 fee.

Sec. 2-4. - Additional fees for certified copies of vital records.

- (a) *Authorized.* The county clerk is hereby authorized to impose an additional \$2.00 charge for certified copies of vital records as defined in section 1 of the Vital Records Act (410 ILCS 535/1), i.e., records of births, deaths, fetal deaths, marriages, dissolutions of marriage and data related thereto.
- (b) *Fund.* The county treasurer is hereby authorized to establish a special fund, called the vital records document storage automation fund, for deposit of the additional fee to be imposed by this section.
- (c) *Use of funds.* Funds placed in the vital records document storage automation fund shall be expended solely for equipment, material and necessary expenses incurred to help defray the cost of implementing and maintaining a document storage system for vital records utilizing computers and micrographics.

(Ord. No. 89-CO-7, 2-28-89)

State Law reference— Authorized, 55 ILCS 5/4-4001.

Sec. 2-5. - Real estate index number to be affixed to recorded instruments affecting real property.

- (a) Every document which affects or purports to affect real property and which is filed or recorded shall have affixed thereto the permanent real estate index number assigned to that property.
- (b) Any document affecting or purporting to affect real property which is presented for filing or recording and which does not contain the permanent real estate index number assigned to that property shall not be considered an instrument entitled to be recorded as set forth in 55 ILCS 5/3-5010.

(Ord. No. 91-CO-31, 5-9-91)

Sec. 2-6. - Document reproduction fees.

The following schedule of fees shall be established for the office of the recorder:

- (1) Microfilm print copy: \$0.15 per page.
- (2) Office machine copy: \$0.10 per page.
- (3) Business records systems printouts: \$0.05 per page.
- (4) Microfilm cartridge: \$15.00 per cartridge.
- (5) Microfilm cartridge produced by BRC: \$32.20 per cartridge.

(Ord. No. 94-CO-60, 10-27-94; Ord. No. 95-CO-6, 2-9-95)

Sec. 2-7. - Indemnification.

- (a) *Title.* This section shall be known, cited and referred to as the "Children's Advocacy Project Indemnification Ordinance."
- (b) *Indemnification.* The county shall pay for any damages or moneys which may be adjudged, assessed or levied against an employee or volunteer of the children's advocacy project (including the CAP advisory board and volunteers), and provide legal representation to those employees and volunteers at any civil cause of action brought against an employee or volunteer as a result of action or inaction of the employee or volunteer arising out of and in the performance of the employees or volunteers' proper duties for the children's advocacy project, except that this provision shall not apply where the employee or volunteer unreasonably violates a direct order or procedure or acts willfully or wantonly in disregard of his proper duties and/or obligations.
- (c) *Cooperation.* Employees and volunteers shall be required to cooperate with the county during the course of any investigation, administration, or litigation of any claim arising under this section.
- (d) *Applicability.* The county will provide the protection set forth in subsection (b), above, so long as the employee or volunteer is acting within the scope of his employment and where the employee cooperates as defined in subsection (c), above, with the defense of the action(s) or claim(s).
- (e) *Severability.* If any section, paragraph, clause or provision of this section shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this section.
- (f) *Repealer.* All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this section are to the extent of such conflict, hereby repealed.

(Ord. No. 98-CO-22, §§ 1—6, 3-26-98)

Editor's note— Ord. No. 98-CO-22, §§ 1—6, adopted March 26, 1998, amended the Code by the addition of Art. XI, §§ 2-201—2-206; however, said provisions have been redesignated as § 2-7, at the editor's discretion, for purposes of maintaining Code format.

Sec. 2-8. - Fee for search of vital records.

The fee charged by the county clerk's office for the search of vital records is \$13.00.

(Ord. No. 99-CO-58, 9-2-99; Ord. No. 2000-CO-36, 7-27-00)

Sec. 2-9. - Geographic information system maintenance fee.

An additional charge of \$10.00 is hereby established for filing every instrument, paper, or notice for record in order to defray the cost of maintaining the county's geographic information system. Of that \$10.00 charge, \$9.00 must be deposited into a special fund set up by the treasurer for the county, to be called the geographic information services fund, and all funds deposited into this fund must be used solely for the equipment, materials and necessary expenses incurred in implementing and maintaining the geographic information system,

while the remaining \$1.00 must be deposited into the recorder's special fund established under Section 3-505.4 of the Counties Code to be used at the recorder's discretion which may be used to defray the cost of implementing or maintaining the county's GIS.

(Ord. No. 2000-CO-37, 7-27-00; Ord. No. 2004-CO-8, 1-22-04)

Sec. 2-10. - Fees for certification of plats; canceling tax sale; issuing order of redemption.

(a) The fee for certification of plats is \$20.00.

(b) The fee for canceling tax sale and issuing and sealing certificates of redemption is \$45.00.

(c) The fee charged for issuing order to county treasurer for redemption of forfeited tax is \$40.00.

(Ord. No. 2000-CO-32, § 1, 6-22-00)

Sec. 2-11. - Document storage fee.

The document storage fee shall be \$3.75.

(Ord. No. 2000-CO-32, § 3, 6-22-00)

Sec. 2-12. - Fees for custom made digital maps.

The county hereby establishes the following fee schedule for the provision of custom made digital maps:

Aerial Base Property Maps

Mapping scales and coverage:

Rural area	Compiled at 1" = 400'	2 mile × 2 mile area (4 complete sections)
Urban area	Compiled at 1" = 100'	0.5 mile × 0.5 mile area (¼ section)

Sheet size: Up to 36" × 36"

See sizes below.

Printing scales are variable.

Commercial Price

Plotted Paper Prints-HP1055CM or HP Color LaserJet 4550N

2001 Raster (Aerials) and Property Lines

Size	Line Print	Aerial Print	Composite Print
36" × 36"	\$25.00	\$25.00	\$30.00
24" × 36"	20.00	20.00	25.00
18" × 18"	15.00	15.00	20.00
11" × 17"	10.00	10.00	15.00
8.5" × 14"	5.00	5.00	10.00
8.5" × 11"	2.50	2.50	5.00

Raster (Aerials) and Vector (2' Contours, Rd. C/L's, Elevation, etc.)

Size	Vector Print	Aerial Print	Composite Print
36" × 36"	\$25.00	\$25.00	\$50.00
24" × 36"	25.00	20.00	45.00
18" × 18"	25.00	15.00	40.00
11" × 17"	25.00	10.00	35.00
8.5" × 14"	25.00	5.00	30.00
8.5" × 11"	22.50	2.50	25.00

Commercial Price

Toner (Kip 1880) Paper Prints

1989 Raster (Aerials) and Property Lines

Quantity	Prop. Line Print	Aerial Print	Composite Print
One map	\$16.00	\$16.00	\$20.00
2—10 maps	15.00	15.00	19.00
11—25 maps	14.00	14.00	18.00
26+ maps	11.00	11.00	15.00

Government Price*

Toner (Kip 1880) Paper Prints

Quantity	Line Print	Aerial Print	Composite Print
One map	\$14.00	\$14.00	\$18.00
2—10 maps	13.00	13.00	17.00
11—25 maps	12.00	12.00	16.00
26+ maps	10.00	10.00	13.00

1978 aerials, property lines and soils, approximately 20" × 30"\$4.00

Subdivision copies, 24" × 36"4.00

Faxes, 8.5" × 11" or 8.5" × 14"5.00

Toner copy partial map, 8.5" × 11", 8.5" × 14" or 8.5" × 17"1.00

Digital Parcel Basemaps

Mapping scales and coverage:

Rural area compiled at 1" = 400'	2 mile × 2 mile area (4 complete sections)
Urban area compiled at 1" = 100'	0.5 mile × 0.5 mile area (¼ section)

Digital format: AutoCad (negotiable)

Media: Negotiable

Commercial prices, digital parcel maps, per map\$50.00

Governmental prices**, digital parcel maps, per map25.00

Non-for-profit agencies, digital parcel maps, per map25.00

Lease agreement, provides periodic digital updates as requested:

Annually:	¼ purchase price
Semi-annually:	½ purchase price
Quarterly:	¾ purchase price
Monthly:	Equal to purchase price

GIS specialty maps: An hourly rate of \$40.00 will be charged, exclusive of hard copy print or media. See above fee schedule for cost of hard copies.

*Government prices include all governmental agencies and are only available for 1989 copies.

**Government prices include all governmental agencies. No fee will be charged to WinGIS members for AutoCAD digital requests, only. WinGIS members will be charged for hard copies or GIS specialty maps.

All prices are subject to change without notice. prices are also subject to shipping and handling charges.

(Ord. No. 2002-CO-68, 12-12-02)

Sec. 2-13. - Fee for duplicate copies of tax bills.

The county treasurer is hereby authorized to assess a fee of \$3.00 for each duplicate tax bill provided to any mortgage lender as defined in section 1-90 of the Property Tax Code (35 ILCS 200/1-90), who is not the property owner of record. All amounts collected under this section shall be deposited into the Tax Sale Automation Fund established in section 21-245 of the Property Tax Code (35 ILCS 200/21-245).

(Ord. No. 2021-CO-064, 8-26-21)

State Law reference— Authorized, 35 ILCS 200/20-12.

Secs. 2-14—2-30. - Reserved.

ARTICLE II. - COUNTY BOARD

DIVISION 1. - GENERALLY

Sec. 2-31. - District boundaries.

The county board district boundaries shall be as established by the county board from time to time.

(Code 1964, § 2-63)

Sec. 2-32. - Salary of board members.

The members of the county board shall be paid a salary per annum, in such amount as established by the county board from time to time, payable monthly after service.

(Code 1964, § 2-65)

Sec. 2-33. - Notice of board and board committee meetings; minutes of board and board committee meetings.

- (a) The clerk of the county board shall post a public notice of each committee meeting of the county board on the bulletin board at the entrance to the county clerk's office not less than 48 hours prior to the time of each such meeting; stating thereon the time, date and place of such meeting along with an agenda for each regular meeting.
- (b) The county clerk shall further supply a copy of such notice to each member of the committee and to any news medium that has filed an annual request for such notice, by mail, not less than 48 hours prior to such meeting.
- (c)

The clerk shall post a general public notice upon the bulletin board at the entry to the county clerk's office, designating the time, date and place of the annual and regular meetings of the board, and the adjourned meetings of such board.

- (d) Notice of all meetings of the county board and its committees shall be given by the county clerk of such board, in full compliance with the terms and provisions of the Open Meetings Act, 5 ILCS 120/1 et seq., as amended.
- (e) The clerk of the county board is hereby authorized and directed to deliver written notice of each meeting to the county board and its standing and special committees to the following named elected county officials:
 - (1) Clerk of the circuit court.
 - (2) County auditor.
 - (3) County clerk.
 - (4) County coroner.
 - (5) County sheriff.
 - (6) Treasurer.
 - (7) Recorder of deeds.
 - (8) State's attorney.
 - (9) Regional superintendent of schools.
- (f) Written minutes of each regular and special meeting of the board and its committees shall be maintained in accordance with the provisions of the Open Meetings Act, 5 ILCS 120/1 et seq., as amended. Tape recordings of board and committee meetings are made for the sole purpose of aiding in the preparation of the written minutes and are not official minutes of those meetings.

(Code 1964, § 2-6.1; Ord. No. 95-CO-10, 2-23-95)

Sec. 2-34. - Meetings of county board; committees; commissions; official divisions not to be held in places having discriminatory admission policies.

All meetings of the county board, its committees, commissions or other official divisions, shall be held only in those places and facilities where the policy of admission and/or membership is not based on race, creed or national origin.

(Code 1964, § 2-6.2)

Sec. 2-35. - Reserved.

Editor's note— Ord. No. 2020-CO-085, adopted December 7, 2020, repealed § 2-35, which pertained to adoption of the rules of order and procedure and derived from Code 1964, § 2-113.

Sec. 2-36. - Policy for fund balances and reserves.

The policy for fund balances and reserves shall be as follows:

(a) *Definitions.*

Fund balance means the difference between assets and liabilities in a governmental fund.

Non-spendable fund balance means the portion of a governmental fund's net assets that are not available to be spent, either short term or long term, in either form (e.g., a prepaid asset) or through legal restrictions (i.e., principal of an endowment).

Restricted fund balance means the portion of a governmental fund's fund balance that is subject to external enforceable legal purpose restrictions as to what the fund balance can be spent on.

Committed fund balance means the portion of a governmental fund's fund balance that is limited with self-imposed constraints or limitations that have been placed at the highest level of decision-making authority.

Assigned fund balance means the portion of a governmental fund's fund balance to denote management's intended use of resources.

Unassigned fund balance means available expendable financial resources in a governmental fund that are not the object of tentative management plan (i.e., assigned). Positive unassigned fund balance can only be reported in the general fund.

(b) *Policy.*

- (1) It is the policy of the County of Winnebago, Illinois to maintain unassigned fund balance in the general and public safety sales tax funds to fund operations for a period of at least three months (25 percent of expenditures).
- (2) If the fund balance based on annual audited financial statements in the general or public safety sales tax fund falls below the three month unrestricted fund reserve, an action plan developed by administration will be presented to the finance committee to increase the fund reserve back to the three month level. Any proposed action will then be presented to the county board for approval.
- (3) This policy may be amended from time to time according to the wishes of the county board.
- (4) The county will spend the most restricted dollars before less restricted, in the following order:
 - a. Restricted,
 - b. Committed,
 - c. Assigned,
 - d. Unassigned.
- (5) The chief financial and budget officer will determine if a portion of fund balance should be assigned.

(Ord. No. 2017-CO-058, 5-25-17; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-37. - Pension obligation bond policy.

In conjunction with the issuance of the county's general obligation bonds to fund the pension plan's unfunded liabilities, the county is adopting this policy to set forth the following:

- (1) The county's commitment to diligently funding its unfunded pension liabilities in the most efficient and cost effective manner possible.
- (2) The county's recognition of the potential benefits and risks associated with pension obligation bonds (POBs); and
- (3) Procedures the county will follow in order to mitigate these risks.

Therefore, the county hereby adopts the following pension obligation bond policy:

- a. The county has determined that issuing POBs assures a more rapid funding of the pension plan with significant expected savings while recognizing that it will incur certain risks by doing so.
- b. The principal risk the county will incur is that bond proceeds are expected to be invested by the pension plan at an overall return higher than the interest rates on the bonds and that rate of return may not be realized.
 1. The county has determined that it is likely that the pension plan will achieve an average return on the investment of POB proceeds over the life of the POBs at the plan's actuarial rate of seven and one-half percent. Further, county believes the plan should at least achieve a return above the expected rate on the POBs of approximately four and one-half percent which is the county's break-even point.
 2. Should the overall return on the investment of bond proceeds be less than the POB interest rate, the POBs would cost the county more than the plan's current funding methodology. In addition, the investment of bond proceeds could result in adverse market timing.
- c. In order to mitigate these risks the county has determined to adopt the following policies and procedures, recognizing that these procedures will not eliminate all risks:
 1. The county will not use any bond proceeds to fund annual "normal" costs nor will it fund any capitalized interest with bond proceeds with a view to reducing current cost in exchange for higher long-term costs.
 2. The county will not extend the bonds beyond the current plan's amortization period nor will it defer principal repayments versus the current payment methodology.
 3. The county will not use any other financing technique which will have the effect of enhancing early year savings at the expense of higher long-term costs.
 4. County will further limit its risk by not using guaranteed investment contracts, swaps or other derivative products in conjunction with the POBs, thus avoiding counter-party risk, credit risk and related interest rate risk.

5. Because the bonds will be alternate revenue source, the POBs will not utilize any of the county's debt capacity. Further, because the pension liability is already a debt of the county, the issuance of POBs will not increase the county's overall debt burden. Finally, the bonds are expected to be issued with no longer than a ten-year optional par call allowing for refunding or restructuring of the bonds in the future.
6. The county recognizes that the current actuarial based funding methodology uses a constant percent of payroll factor resulting in estimated future payments to amortize the current unfunded liabilities that are higher than the current payment amount. In order to address this unsustainable practice, the county's POBs will be issued with a debt service payment structure that will limit early year expected savings to the county in order to allow for level debt service on the bonds as soon as is practicable in the future.
7. The county will create a linkage between its unfunded pension liabilities and its POBs in its annual budget so that future county leaders will recognize that the county has chosen to issue bonds to fund liability. This will assure that the proper understanding of the pension plan's funding status must include recognizing the POBs as a pension liability.
8. The county will create a budget stabilization fund, funded initially with POB proceeds that may be utilized to offset short-term smoothed losses due to any annual investment performance below the actuarial rate of seven and one-half percent.

(Ord. No. 2018-CO-107, 10-26-18)

Sec. 2-38. - Accounting and financial reporting policies.

The accounting policies of the County of Winnebago, Illinois will conform to generally accepted accounting principles as applicable to governmental units. The accepted standard-setting body for establishing governmental accounting and financial reporting principles is the Governmental Accounting Standards Board (GASB).

It shall be the intent of the county to maintain a self-balancing set of accounts on an on-going basis to be closed quarterly. The general ledger will be closed by the finance department no later than 45 days after month end. The books shall remain open 90 days after the fiscal year end.

It shall be the intent of the county to maintain a program of internal controls to safeguard all assets and ensure effective and efficient use of all assets. It shall be the responsibility of the chief financial officer to establish a formal set of "best practice" internal controls. In addition, the county auditor shall ensure that all departments comply with those controls. It shall also be the intent for the independent auditor to review the system of internal controls and report any weaknesses detected to the board as part of the annual audit.

It shall be the intent of the county to utilize fund accounting principles and generally accepted accounting practices in the recording of all financial transactions. The general ledger shall be maintained on a cash basis, with the intent to move to an accrual basis on a quarterly basis. The finance committee will be provided with budget versus actual revenue and expenditure reports on a quarterly basis.

It shall be the intent of the county to prepare annually a comprehensive annual financial report (CAFR) to be presented to the board no later than 180 days after year-end. The CAFR should be audited by an independent CPA firm experienced in governmental auditing. It shall be the further intent of the County to present its CAFR to the government finance officers association to receive the certificate of excellence award in financial reporting. If at any time the county will not receive an unqualified opinion from the CPA firm, the CPA firm and the chief financial officer and finance director will notify the board prior to the issuance of the report.

It shall be the intent of the county to maintain a capital asset ledger of all permanent assets acquired. The finance department will maintain these asset records on an on-going basis to ensure proper controls and report annually regarding these records to the board. No asset will be considered fixed unless its value or component value exceeds \$12,000.00 or in the case of infrastructure assets purchased or acquired with an original cost of \$50,000.00 or more. Depreciation will be charged on all capital assets. This policy is consistent with the requirements of GASB Statement No. 34. Depreciation will be recorded on a straight-line basis over the normal useful life of the asset.

It shall be the intent of the county to manage all accounts receivable. Accounts receivable are created by operations in certain departments and offices. In general, they arise at the renewal of a permit or license from departments such as health, River Bluff Nursing Home or transportation. The department or office that is responsible for the billing is responsible for collections and managing the receivables. Consistent with good financial management, each department and office will age their receivables. Departments and offices shall continue collection efforts.

It is the intent of the county to comply with the modified accrual basis of accounting, in which revenues are recorded when they are both measurable and available. In general, revenues are considered available if they are collected within 90 days of the fiscal year end except for property taxes which are 60 days and certain health department and county reimbursable grants for which available is defined as 180 days.

(Ord. No. 2019-CO-003, 1-10-19; Ord. No. 2020-CO-027, 2-27-20)

Editor's note— Ord. No. 2019-CO-003, adopted January 10, 2019, set out provisions intended for use as § 2-37. Inasmuch as there were already provisions so designated, and at the editor's discretion, these provisions have been included as § 2-38.

Secs. 2-39—2-45. - Reserved.

DIVISION 2. - CHAIRMAN

Sec. 2-46. - Creation of office.

The county board chairman shall be elected by the voters of the county and shall serve a four-year term commencing on the first Monday of the month following the month of his election and continuing until his successor is elected and qualified.

(Ord. No. 92-CO-79, § 7(2-168), 11-24-92; Ord. No. 2019-CO-040, 4-11-19)

Sec. 2-47. - Membership on county board.

The county board chairman shall convene all regular and special meetings of the county board but shall not be a member of the county board and shall not vote on any questions before the county board except to break a tie.

(Ord. No. 92-CO-79, § 7(2-169), 11-24-92; Ord. No. 2019-CO-040, 4-11-19)

Sec. 2-48. - Action on ordinances and resolutions.

Any ordinance, resolution or motion approved by the county board shall be presented to the chairman before it becomes effective. If the chairman approves such ordinance, resolution or motion, he shall sign it and it shall become law on the date prescribed. If the chairman does not approve the ordinance, resolution or motion, he shall return it to the board within ten business days with his objections and the board shall proceed to reconsider the matter at its next meeting to be held within 30 business days of the board's receipt of the chairman's objections. If after such reconsideration, a majority of the members of the board pass such ordinance, resolution or motion, it shall become effective on the date prescribed but not earlier than the date of passage following the reconsideration. If any ordinance, resolution or motion is not returned by the chairman to the board within ten business days after it had been presented to him, it shall become effective at the end of the tenth day.

(Ord. No. 92-CO-79, § 7(2-170), 11-24-92; Ord. No. 2018-CO-075, 6-28-18; Ord. No. 2019-CO-040, 4-11-19)

Sec. 2-49. - Duties.

The county board chairman shall oversee development of long-range planning goals and objectives for the county. The county board chairman shall ensure conformance to the duties and responsibilities set forth in the "Counties Code" (55 ILCS 5/1-1001 et seq., 1992, as amended), he shall be responsible for the following:

(a) *Administrative responsibilities.*

- (1) Appoint, with the advice and consent of the county board, those positions as required by the laws of the state.
- (2) Represent the county on all economic development opportunities. Monitor and report to the economic development committee chairman and the county board caucus leaders all economic development activities and proposed agreements or IGA's (Inter-Governmental Agreements) including any requested incentives at the time they are requested within seven business days of being first contacted by any outside entity or municipality wishing to do business with the county.

(3)

Shall represent the county at all organizations of which the county is a member; or with the assistance of the county administrator, or a designee assigned with the advice and consent of the county board.

- (4) Serve as the primary liaison between county elected officials and county board.
 - (5) Monitor the development of annual host fee allocations to be approved by the county board.
 - (6) Develop and promote the county's legislative agenda with the approval of the county board.
 - (7) Assist in developing and monitoring the county's strategic plan with the advice and consent of the county board.
 - (8) Lead communication of county initiatives and accomplishments as approved by the county board.
 - (9) Attend staff meetings convened for the purpose to discuss issues that may require legislative action by the county board and report a summary of the discussion to the appropriate committee chair.
 - (10) Assist the committee chairs in establishing committee agendas.
 - (11) Establish the agenda for county board meetings, except each agenda shall include a report from all standing committees and the items within the committee reports shall be established by the committee chairs.
- (b) *Reporting and communications.*
- (1) Report monthly to the county board on the affairs of the county.
 - (2) When advisable, in order to promote county services and operations which are in the public interest, recommend to the county board the adoption of ordinances and resolutions.
 - (3) Any county employee, who performs duties that fall under the purview of the county board chairman and as outlined in section (a) above, shall report directly to the county board chairman, unless otherwise directed. This shall include but not be limited to the county's communications director and the director of chairman's office of criminal justice initiatives.

(Ord. No. 92-CO-79, § 7(2-171), 11-24-92; Ord. No. 2003-CO-42, 5-22-03; Ord. No. 2006-CO-7, 1-12-06; Ord. No. 2007-CO-94, § I, 12-20-07; Ord. No. 2018-CO-075, 7-26-18; Ord. No. 2019-CO-040, 4-11-19; Ord. No. 2022-CO-059, 8-11-22; Ord. No. 2023-CO-074, 9-28-23)

Sec. 2-50. - Limit of authority.

No provision of this division is intended to vest in or grant to the county board chairman any duty or any authority which is vested by general law or by ordinance in any other county officer, official or employee. No provision of this division shall be construed to delegate to the county board chairman authority to be performed by the county board; nor shall the county board chairman have the power to bind, obligate or commit the county in any manner except as provided herein or by the express grant of authority by the county board.

(Ord. No. 92-CO-79, § 7(2-173), 11-24-92; Ord. No. 2019-CO-040, 4-11-19)

Sec. 2-51. - Salary.

The chairman of the county board shall be paid compensation per annum of such amount as established by the county board from time to time.

(Code 1964, § 2-66; Ord. No. 2019-CO-040, 4-11-19)

Sec. 2-52. - Presentation of budget amendments to the finance committee.

- (a) Budget amendments should be obtained before the procurement/employment processed is commenced.
- (b) The process for presenting such a budget amendment shall be as follows:
 - (1) No later than ten business days prior to the meeting of the finance committee at which the budget amendment shall be considered, the department head/elected official shall submit the proposed budget amendment to the chief financial and budget officer (CFO). The CFO shall review the requested budget amendment and determine the financial impact of the budget amendment for accuracy to identify the source of funding for presentation to the finance committee.
 - (2) The CFO will then meet with the requesting department head/elected official to discuss potential revisions to the budget amendment (if applicable) and associated information prior to meeting with the finance committee.
- (c) Line item transfers between object class level, which is the budgetary level of control over expenditures, may be approved by the county administrator and chief financial officer, provided the total amount appropriated by the county board for the respective department (org code).

(Ord. No. 2017-CO-036, 3-9-17; Ord. No. 2018-CO-060, 6-28-18; Ord. No. 2019-CO-040, 4-11-19)

Secs. 2-53—2-60. - Reserved.

DIVISION 3. - RULES OF ORDER

Sec. 2-61. - Order of agenda.

The regular order in which business shall be considered by the county board at all regularly scheduled meetings of the board is as follows:

- (1) Call to order.
- (2) Invocation and pledge of allegiance.
- (3) Agenda announcements.
- (4) Roll call.
- (5) Awards, presentations, public hearings, and public participation.
- (6) Approval of minutes.

- (7) Consent agenda. (To include raffle report, auditor's report—approval of bills, administrator report—leaves of absences, and other administrative reports).
- (8) Appointments
- (9) Reports of standing committees.
- (10) Unfinished business.
- (11) New business.
- (12) Announcements and communications.
- (13) Adjournment—Next meeting.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-62. - Power of chair.

The chairman shall preserve order and decorum and shall determine all questions of order. Rulings of the chair on all matters of order and decorum shall be conclusive unless appealed to the board by one member and seconded by another member. If the ruling of the chair is appealed and seconded, the chair shall submit the ruling to a vote of the board putting the question in the affirmative. A majority vote sustains the ruling of the chair. The chairman shall have the authority to issue an amended agenda when he is contacted by a committee chairman or otherwise determines that an item on the agenda is to be laid over.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-63. - Recognition by chair.

Each member, prior to speaking, shall be recognized by the chair. When two or more members request recognition, the chair shall designate the member to speak first, pursuant to the following:

- (1) Upon being recognized by the chair, the member recognized shall acknowledge the recognition by the chair before beginning his or her comments.
- (2) If the member who made the motion claims the floor and has not already spoken on the question, he/she is entitled to be recognized in preference to other members.
- (3) If the member who has seconded the motion claims the floor and has not already spoken on the question, he/she shall be recognized in preference to all other members except the movant.
- (4) No one is entitled to the floor a second time in debate on the same motion on the same day if any other member who has not spoken on the motion seeks the floor.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-64. - Actions on resolutions and ordinances.

- (a) All resolutions and ordinances submitted by a member under new business, except actions or communications of courtesy, shall be referred without debate to the appropriate committee for consideration and recommendation. When the board is required by law or ordinance to conduct a hearing or to make specific findings of fact, the appropriate board committee shall, when permitted by law and ordered by the chairman, perform such function and thereafter promptly make a written report of its findings and recommendations to the board for its consideration and action.
- (b) All resolutions and ordinances shall be prepared on 8.5 × 11 paper.
- (c) After presentation to the board, each ordinance and grant application, except ordinances authorizing the issuance of bonds and other debt financing, shall lay over until the next regular meeting of the board for debate and action. This rule may be waived in the manner provided in section 2-68, except for those matters which are required to be laid over pursuant to state or federal law or local ordinances.
- (d) Prior to presentation of the annual budget to the board for layover, the draft budget shall be made available to the public on the county website and in the county clerk's office and a public hearing shall be held at a committee of the whole meeting to allow for comments by the public regarding the budget. Comments may be submitted in writing prior to the hearing or orally at the hearing, subject to the limitations set forth in section 2-85(e), except that the number of speakers will not be limited. The annual county budget shall lay over after the first reading for at least 15 days.
- (e) Any item to be voted on shall be sponsored by the county board chairman or a sitting county board member.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-65. - Limitation of debate.

- (a) No member shall speak a total of more than twice on the same question, unless permitted to do so by the chair.
- (b) No member shall speak longer than three minutes upon recognition, unless permitted to do so by the chair. Any member called to order shall immediately cease speaking.
- (c) Non-members may address the board if written request is submitted to the county board office by 5:00 p.m. on the Tuesday prior to the upcoming county board meeting for which recognition is sought. The written request must identify the name of the speaker, specify the subject matter the speaker will address, and indicate the speaker's interest in the subject. This information shall be included on the county board agenda. Comments shall be limited to three minutes. Speakers may not address zoning matters which are pending before the ZBA, zoning committee or the county board. Personnel matters or pending or threatened litigation may not be addressed in open session. An individual may speak a

maximum of three times per calendar year on the same topic. This prohibition shall include the repetition of the same topic in a statement on what is purported to be a different topic. Personal attacks or inappropriate language of any sort will not be tolerated.

- (d) A maximum of 21 minutes shall be allowed for non-members to speak at each meeting. If a particular item is deemed by the chair to be controversial, the chair shall strive to allow all sides an equal amount of time within which to speak at each meeting, subject to the 21 minute time limit. The chair shall determine the sequential order in which non-members will be allowed to address the board.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-066, 9-29-22; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-66. - Motions.

- (a) No motion shall be debated or voted upon unless it shall have been previously seconded. When seconded and prior to debate, the motion shall be clearly stated by the chair and shall be reduced to writing if requested by the chair or a board member.
- (b) After a motion has been stated by the chair, it shall be deemed to be in possession by the board.
- (c) A motion to "reconsider" a question may be made only at the meeting at which the vote was taken by a member who voted on the prevailing side. Reconsideration requires an affirmative vote of a majority of the members present, regardless of the vote necessary to adopt the question reconsidered. If adopted, reconsideration places the original question before the board in the exact position it occupied before being voted upon. No question may be twice reconsidered.
- (d) A motion to recess or adjourn is not debatable and requires the approval of a majority of the members present for adoption.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-67. - Roll call votes.

- (a) All votes shall be recorded. This rule may not be suspended. A roll call vote of the members shall be taken on all proposed ordinances and the appropriation or allocation of funds, whether by ordinance or resolution. However, the chairman may inquire whether any member opposes the question. If no more than two members indicate their opposition, the chairman may order the clerk to note for the record the names of the members in opposition and to enter the approval of all the other board members present on the record.
- (b) Any member on any question may call for a roll call vote.
- (c) Roll call votes shall be called in progressive alphabetical order. Each roll call vote shall commence with the second name called on the previous roll call vote.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-68. - Suspension of rules of order or procedure.

- (a) Any rule of order or procedure, unless otherwise specified by the rules or required by statute, may be temporarily suspended at any meeting of the board by an affirmative vote of three-fifths of the members present.
- (b) Zoning matters coming before the board from the zoning committee for vote must lay over to the next board meeting after they are introduced before being voted on, and this rule may not be suspended to provide for a vote of the board at the same meeting in which the zoning matter is introduced by the zoning committee unless by unanimous vote of all board members present to so suspend this rule.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-69. - Quorum; majority vote.

A majority of the members shall constitute a quorum for the transaction of business; and all questions which shall arise at a meeting shall be determined by the votes of the majority of the members present and voting, except as otherwise provided by law or ordinance.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-70. - Abstention.

- (a) Each member present shall vote on each question put to a vote, unless excused from such vote as provided herein.
- (b) The chairman shall not vote except to break a tie.
- (c) Members shall be excused from a vote due to a conflict of interest as defined in 50 ILCS 105/3 et seq. A conflict of interest to require abstention must involve a direct personal or financial interest in the issue being voted upon. A member shall state their desire to abstain prior to the final vote being taken.
- (d) The chairman, after consultation with the board's legal counsel, shall have the power to excuse a member from voting for a conflict of interest even though not prohibited by 50 ILCS 105/3 et seq.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-71. - Robert's Rules of Order to govern.

Parliamentary rules contained in the current edition of "Robert's Rules of Order," newly revised, shall govern the county board and its committees in all cases applicable, except where such rules are inconsistent with these rules of order or procedure, Illinois law, or other specific county ordinance.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-72. - Awards, proclamations and presentations.

- (a) *Awards or proclamations.* All proclamations or awards shall be presented by the chairman, or his or her designee. At the chairman's discretion, the presentation shall take place at the county board office or at the recipient's location. The presentation will be documented and recorded by the county's communication director, the chairman's assistant, or designee. This subsection shall not apply to proclamations or awards that are related to first responders, military and law enforcement, for actions, services, or in memorialization of individuals, or certain events, or for recognition of county youth or school groups for scholastic and/or sports related outstanding achievements.
- (b) *Presentations.* All presentations to county board members during a county board meeting shall be permitted at the discretion of the chairman and be limited to units of government, which includes all county departments and limited to one presentation at each meeting. All other presentations shall be permitted at the discretion of the party caucus chairs at a time and place determined by the party caucus chairs.

(Ord. No. 2022-CO-066, 9-29-22; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Secs. 2-73—2-80. - Reserved.

DIVISION 4. - RULES OF PROCEDURE

Sec. 2-81. - Presiding officer.

The county board chairman shall act as the presiding officer at county board meetings. If the chairman is unable to attend a regular or special meeting of the county board, the majority caucus leader shall act as the presiding officer in his or her absence. If the majority caucus leader is unable to attend the meeting, the minority caucus leader shall act as the presiding officer. If both caucus leaders are unable to attend the meeting, the county clerk shall convene the meeting, and the county board shall choose a member by majority vote to preside as chairman pro tem.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-067, 9-29-22; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-82. - Amendment of rules of order and procedure.

At the first meeting of the board held in the month of December in the even-numbered years, the board may adopt, amend, or rescind the rules of order and procedure or the organizational structure of the county board. The rules of order and rules of procedure or the organizational structure of the county board may be amended at any regular meeting of the county board by the affirmative vote of three-fifths of the members present.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-83. - Selection of committee chairmen and members.

(a) The following shall be the standing committees of the county board:

- (1) Finance committee.
- (2) Public safety and judiciary committee.
- (3) Public works committee.
- (4) Zoning committee.
- (5) Economic development committee.
- (6) Operations and administrative committee.
- (7) Legislative and lobbying committee.

(b) The caucus chairmen of the majority and minority parties of the newly elected county board shall recommend to the county board for its advice and consent, the appointment of the chairman, and members of all standing committees at the first meeting of the board held in the month of December, of each even numbered year.

(c) Where possible, each committee shall reflect a cross section of the board.

(d) Vice-chairmen of all standing committees shall be established by the committee chairman. Each vice-chairman shall represent an alternative party to the committee chairman.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-84. - Committees called by the chair.

(a) The chairman of the county board shall appoint such committees called by the chair as may be necessary.

(b) Committees called by the chair shall report to the county board as necessary.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-85. - Responsibilities of committee chairmen and vice-chairmen.

- (a) The committee chairman shall submit an agenda at the time of public notice; items on the agenda may be acted upon at the discretion of the committee. The agenda for legislative and lobbying committee shall be established by the committee chairman and the county board chairman.
- (b) Meetings shall be called by the chairman and shall be scheduled during non-county board meeting weeks, except for the zoning committee and if a meeting is required to address an emergency. The county board office shall, by no later than 9:00 a.m. on the Friday preceding a committee meeting, submit items for the committee agenda. The committee chairman shall amend the proposed agenda as necessary and return a final approved version to the county board office by no later than noon of that day.
- (c) The text of any resolution, ordinance or budget amendment, along with a redlined copy of any changes to existing legislation, agreements or documents, if applicable, along with a summary explaining the purpose for the resolution or ordinance, must be posted on the county website and distributed to the members of the committee by 5:00 p.m. on the Friday of the week prior to the committee meeting.
- (d) The chairman may, on his own motion, lay over any matter before the committee to the next meeting of the committee.
- (e) Members of the public who wish to address a committee shall sign up on a sheet provided at the committee meeting. The speaker shall provide his or her name and the subject to be discussed before the committee. A maximum of five speakers shall be permitted to address the committee on a first come basis. Comments shall be limited to three minutes. Speakers may not address zoning matters which are pending before the ZBA, zoning committee or the county board. Personnel matters or pending or threatened litigation may not be addressed in open session. An individual may speak a maximum of three times per calendar year on the same topic. This prohibition shall include the repetition of the same topic in a statement on what is purported to be a different topic. Personal attacks or inappropriate language of any sort will not be tolerated.
- (f) Matters before a committee shall be presented by the sponsoring board member. The sponsoring board member or committee chairman may request input from non-board members in response to questions posed on the proposed matter by board members. Board members who are not committee members may be permitted to ask questions regarding a matter before the committee after all committee members have had an opportunity to speak and with the consent of the committee members.
- (g) Each committee shall make a report to the county board of any matters voted on by the committee. The committee report shall be presented to the county board by the chairman or vice-chairman of the committee, or by any other member of the committee designated by the chairman. If a committee report recommends that the county board adopt or pass an ordinance, resolution or other matter, that ordinance, resolution or other matter may be taken up and acted upon after its presentation, subject to deferral by appropriate action. All zoning petitions from the zoning committee shall be taken up and acted upon, even if the committee did not recommend adoption or approval. For all

other matters, if a committee report recommends that the county board not adopt or pass an ordinance, resolution or other matter, then at the time such report is presented, or at the next meeting if the county board has deferred action on such report, such ordinance, resolution or other matter shall be automatically tabled and may not be further considered, unless a member of the county board moves to disapprove the committee report and such motion is adopted by the affirmative vote of a majority of the county board members present. If the motion to disapprove receives a majority vote, the ordinance, resolution or other matter shall be before the county board.

- (h) The committee chairman shall appoint such sub-committees and sub-committee chairman as may be necessary to carry out the work assigned to or undertaken by the committee.
- (i) The committee vice-chairman shall assume all responsibilities of the committee chairman in the event of the absence or inability to act of the committee chairman.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-86. - Record keeping and communications.

- (a) Ordinances and resolutions adopted by the county board shall be numbered consecutively by the clerk of the board in the order of their passage. Each document number shall be made up of a prefix containing the last two digits of the year of its adoption (e.g., 12 to represent 2012) followed by a two-letter code designating the type of action (e.g. CR to represent County Resolution, and CO to represent County Ordinance) followed by the consecutive numbers assigned by the clerk (e.g., 01, 02, 03, etc.).
- (b) The clerk of the board shall deliver to the county auditor, county clerk, county treasurer, and county board chairman's office certified copies of all documents adopted by the board which affect the appropriation, levy, or expenditure of any county funds. When directed by the county board or its chairman, the clerk of the board shall also distribute to the designated persons or entities certified copies of any other document reflecting actions of the board.
- (c) All letters, petitions, and correspondence addressed or directed to the county board or its chairman or which relate to the business of the county board received by the county clerk as clerk of the board, shall be immediately delivered by said clerk to the office of the chairman. The chairman at the next regular board meeting shall report the receipt of such materials to members under "announcements and communications" and may read such material to the board. Correspondence should be available in the county board office for at least 30 days. Urgent matters shall be delivered by the chairman forth-with to the appropriate committee, and the chairman shall advise the board members of such referral at the next regular board meeting.
- (d) The chairman of the board shall prepare and mail to the members and principal members of the news media, an agenda for each county board meeting. The agenda shall be placed in the mail by 3:00 p.m. the Friday prior to the next board meeting. The chairman prior to the call of the roll shall announce all changes in the agenda.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-87. - Appointments to fill vacancies of elected positions.

In case of death, resignation, or legal inability to hold elective office, the county board chairman, with advice and consent of the county board, shall select a person qualified under state statute to serve as the interim as provided by law.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-88. - Appointments to commissions, boards, authorities, or special districts.

- (a) The board chairman shall make all appointments to commissions, boards, authorities, or special districts with the advice and consent of the county board, or as otherwise provided by law.
- (b) The board chairman shall submit to the members a listing of the recommended appointees on the agenda of a regular board meeting for the advice and consent of the board. All appointments shall lay over until the second board meeting after they are first introduced.
- (c) The chairman shall present a list of all county board appointees serving on commissions, boards, authorities, or special districts to board members within 30 days after the beginning of each board term. This list shall indicate the month and year of appointment, term of office, and compensation.
- (d) Appointments to fill vacancies on commissions, boards, authorities, or special districts shall be filled in the same manner as provided above and shall be for the balance of the unexpired term.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2017-CO-035, 3-9-17; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22; Ord. No. 2024-CO-040, 6-27-24)

Sec. 2-89. - Appointment of department heads.

Appointments or re-appointments of department heads shall be made according to the County Code of Ordinances or as required by state statute. Any position not specifically mentioned in the county code of ordinances or in state statute shall be appointed or re-appointed upon recommendation of the county administrator with the advice and consent of the county board.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2019-CO-075, 8-22-19; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-90. - Closed sessions.

Closed sessions may be held in accordance with "The Open Meetings Act," 5 ILCS 120/1 et seq.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-91. - Attendance by other means (video or audio conference).

- (a) In accordance with the Illinois Open Meetings Act (5 ILCS 120/1 et. seq.), a county board member may attend regular or special meetings for all public bodies of the county board by other means (video or audio conference) if the member is prevented from physically attending because of:
 - (1) Personal illness or disability;
 - (2) Employment purposes or the business of the public body; or
 - (3) A family or other emergency.
- (b) A member wishing to attend a regular or special meeting by other means must notify the clerk of the county board and county board office at least seven days before the meeting, unless advance notice is impractical.
- (c) After a roll call vote establishing that a quorum is physically present, any member physically present may make a motion to permit another member to participate by other means. Such motion shall include the reason for the absence.
- (d) All members physically present are permitted to vote on whether such participation will be allowed and the motion must be approved by a vote of a majority of those members physically present.
- (e) A member attending by other means shall be considered present at the meeting and entitled to discuss and vote on any matter before the public body, as if the member were physically present at the meeting. The meeting minutes shall reflect if a member is attending by other means.
- (f) A member shall maintain proper decorum as if the member were physically present at the meeting and comply with all county board rules and procedures previously adopted and adhered to.
- (g) The member attending by other means and all members physically present must be able to communicate effectively, and members of the public must be able to hear all discussion, testimony and votes.
- (h) The chairman may terminate attendance by other means in the event conditions of (f) and (g) are not met.
- (i) No more than two members may attend a meeting by other means without being physically present at the meeting location. Attendance by other means shall be limited to four times in a calendar year. However, committee chairpersons shall have discretion to permit attendance by other means in excess of four meetings.
- (j) Attendance by other means by any member is prohibited for closed sessions.

(Ord. No. 2022-CO-102, 12-22-22)

Sec. 2-92. - Seating positions for county board meetings.

The caucus leader of the majority party shall establish the seating positions of board members for county board meetings.

(Ord. No. 2022-CO-102, 12-22-22)

Secs. 2-93—2-110. - Reserved.

ARTICLE III. - OFFICERS AND EMPLOYEES

DIVISION 1. - GENERALLY

Sec. 2-111. - Administrator of River Bluff Nursing Home; appointment; qualifications, appointment of employees.

- (a) *Appointment.* The administrator of the River Bluff Nursing Home shall be appointed by the county board chairman with the advice and consent of the county board and shall serve at the pleasure of the county board chairman.
- (b) *Qualifications.* The administrator of the River Bluff Nursing Home must possess the requisite qualifications necessary to become licensed under the Nursing Home Administrators Licensing And Disciplinary Act (225 ILCS 70/1 et seq.) and have at least three years of progressively responsible experience in the administration of a longterm nursing care facility with at least one year of supervisory experience, including the preparation of a budget.
- (c) *Appointment of employees.* The administrator may appoint such number of employees as shall be necessary and authorized by the county board.

(Ord. No. 92-CO-79, § 5(2-19.1), 11-24-92)

Sec. 2-112. - Project director; duties and responsibilities; dismissal.

- (a) *Creation.* The position of project director has been created and is a temporary full time position lasting for the duration of the construction of the Winnebago County Justice Center.
- (b) *Duties and responsibilities:* Oversee the Winnebago County Justice Center Project, including, but not limited to, land acquisition and relocation, building construction, and the physical transition.
- (c) *Dismissal.* Prior to the conclusion of the construction of the Winnebago County Justice Center, the project director may be dismissed by a two-thirds vote of the county board for misfeasance, malfeasance, or nonfeasance in the performance of the duties of the office. The reasons for the dismissal shall be specified in writing. The project director may, within 21 days after receipt of the statement of reasons for dismissal, request a hearing before the county board. The county board shall conduct a hearing within 30 days of a timely request, and may reverse the dismissal by a vote of a majority of the members present.

(Ord. No. 2003-CO-41, 5-22-03)

Secs. 2-113—2-120. - Reserved.

DIVISION 2. - ADMINISTRATOR

Sec. 2-121. - Establishment.

The office of county administrator is hereby established.

(Ord. No. 92-CO-79, § 8(2-184), 11-24-92; Ord. No. 2017-CO-067, 6-22-17)

Sec. 2-122. - Qualifications.

The county administrator shall have a bachelor's degree in accounting, finance, public administration, business administration or a similar degree and/or comparable experience and a minimum of five years of supervisory and administrative experience, including employment relations. A county administrator who meets the above criteria may be exempt from the residency requirement set forth in section 62-5 of the County Code of Ordinances.

(Ord. No. 92-CO-79, § 8(2-185), 11-24-92; Ord. No. 2017-CO-067, 6-22-17; Ord. No. 2017-CO-110, 11-21-17)

Sec. 2-123. - Appointment/dismissal.

The county administrator shall be appointed, disciplined or dismissed by the county board upon recommendation of the personnel and policies committee.

(Ord. No. 92-CO-79, § 8(2-186), 11-24-92; Ord. No. 2017-CO-067, 6-22-17; Ord. No. 2019-CO-072, 8-8-19)

Sec. 2-124. - Duties.

The county administrator shall serve as a member of the county's leadership team and advise on a wide range of issues, including but not limited to strategy, policy, planning and provide communications.

(a) The county administrator shall be subject to the direction and control of the county board and shall supervise the administration of the following:

- (1) Purchasing;
- (2) Buildings and maintenance;
- (3) Functions of the supervisor of assessments;
- (4) Animal services;
- (5) Information technology;
- (6) Community development;
- (7) River Bluff Nursing Home;
- (8) County board office;
- (9) Veterans Memorial Hall;

- (10) Risk management program;
- (11) Chief financial officer, Budget and finance, under the direct supervision of the administrator;
and
- (12) Human resources.
- (b) The county administrator shall have the authority to appoint an appropriate designee to assist in the supervision of the above departments.
- (c) The county administrator, or his or her designee, shall evaluate the performance of the directors and/or coordinators of the departments listed in subsection (a)(9) above.
- (d) The county administrator shall be responsible for managing operational budgets to achieve organizational strategic goals for the departments listed in subsection (a) above.
- (e) The county administrator shall:
 - (1) Maintain regular communication with all elected county officials as designated by the county board chairman.
 - (2) Notify the county board chairman of staff meetings convened for the purpose to discuss issues that may require legislative action by the county board.
 - (3) Assist the county board chairman and committee chairs in preparation of committee agendas, ordinances, resolutions and other business.
 - (4) Establish standard operational procedures or administrative policies.
 - (5) Serve as liaison to county board committees as assigned by the county board chairman.
- (f) Negotiate and enforce any collective bargaining agreements between the county and any employees governed by the state public employees labor relations act.
- (g) Assist the county board chairman in negotiating leases, contracts, and other agreements for goods or services, subject to the approval of the board;
- (h) Assist the county board to develop, install and maintain a centralized system for purchasing goods and services on behalf of county departments and functions; and
- (i) Perform other duties assigned by the county board.

(Ord. No. 92-CO-79, § 8(2-187), 11-24-92; Ord. No. 2007-CO-94, § II, 12-20-07; Ord. No. 2017-CO-067, 6-22-17; Ord. No. 2017-CO-110, 11-21-17; Ord. No. 2018-CO-075, 7-26-18; Ord. No. 2019-CO-005, 1-24-19; Ord. No. 2022-CO-059, 8-11-22; Ord. No. 2024-CO-050, 8-22-24)

Secs. 2-125—2-135. - Reserved.

DIVISION 3. - SUPERVISOR OF ASSESSMENTS

Footnotes:

— (2) —

Cross reference— *Taxation generally, ch. 78.*

Sec. 2-136. - Office established.

The county does hereby establish the office of supervisor of assessments for the county.

(Code 1964, § 2-38)

State Law reference— Appointment, 35 ILCS 205/2.

Secs. 2-137—2-144. - Reserved.

DIVISION 4. - CHIEF FINANCIAL OFFICER

Footnotes:

--- (3) ---

Editor's note— Ord. No. 2017-CO-068, adopted June 22, 2017, set out provisions intended for use as 4-121—4-124. In order to maintain the established numbering system, and at the editor's discretion, said provisions have been redesignated as §§ 2-145—2-148.

Sec. 2-145. - Establishment.

The office of chief financial officer is hereby established.

(Ord. No. 2017-CO-068, 6-22-17)

Sec. 2-146. - Qualifications.

The chief financial officer shall have, at a minimum, a bachelor's degree in accounting, finance, public administration or business administration and/or comparable experience and a minimum of ten years of increasingly responsible experience in executive-level financial administration, ideally with a portion of that experience in the public sector. A CPA and/or master's degree in public policy, public administration, finance or business administration is preferable. A chief financial officer who meets the above criteria may be from the residency requirement set forth in section 62-5 of the County Code of Ordinances.

(Ord. No. 2017-CO-068, 6-22-17; Ord. No. 2017-CO-110, 11-21-17; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-147. - Appointment/dismissal.

The chief financial officer shall be appointed by the county administrator, with the advice and consent of the county board and shall serve at the pleasure of the county administrator. The chief financial officer shall report to and be under the supervision of the county administrator.

(Ord. No. 2017-CO-068, 6-22-17; Ord. No. 2018-CO-075, 7-26-18; Ord. No. 2020-CO-084, 11-24-20)

Sec. 2-148. - Duties.

- (a) The chief financial officer shall be subject to the direction and control of the county administrator and supervise the administration of the following:
 - (1) Finance department, including but not limited to functions of accounting, accounts payable and payroll.
 - (2) Internal services department fund, internal technology fund, and county health insurance fund.
 - a. The chief financial officer shall supervise and evaluate the performance of the directors and/or coordinators of the departments listed in subsection (a) above.
 - b. The chief financial officer shall serve as the staff liaison to the county's finance committee and maintain regular communications with all elected county officials as designated by the county administrator.
 - c. The chief financial officer shall:
 - (1) Assist the county administrator in preparing the annual budget for submission to the county board, including developing a county-wide budget planning process.
 - (2) Assist the county administrator in the review and preparation of long range financial planning including capital improvement programs, budgets and projected financial trends.
 - (3) Prepare or cause to be prepared, any and all documents necessary for the county to enter into the lending market and administrate ongoing debt management.
 - (4) Establish effective internal controls throughout the county.
 - (5) Monitor the financial activities of the tort fund, including the related tax levy.
 - (6) Serve as the internal point-person for the annual external audit.
 - (7) Oversee tax filings to be submitted on behalf of the county.
 - (8) Assist the county administrator in developing a long-term capital plan for submission to the county board.
 - (9) Assist the county administrator in the preparation of county board agendas, ordinances, resolutions, and other business.
 - (10) Establish standard operating procedures, work rules, and administrative policies for the finance department.
 - (11) Grant administration, including, but not limited to, serving as the Grant Accountability and Transparency Act (GATA) officer and the System for Award Management (SAMS) administrator.
 - (12) Other duties as assigned by the county administrator.

(Ord. No. 2017-CO-068, 6-22-17; Ord. No. 2018-CO-075, 7-26-18; Ord. No. 2020-CO-084, 11-24-20)

DIVISION 5. - OPERATIONS OFFICER

Sec. 2-149. - Establishment.

The office of operations officer is hereby established.

(Ord. No. 2018-CO-061, 6-28-18; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-150. - Qualifications.

The operations officer shall have, at a minimum, a bachelor's degree from an accredited college or university in public administration, public policy, business administration, political science or related field and five years of progressive experience in a leadership role, with public sector experience preferred. An operations officer who meets the above criteria may be exempted from the residency requirement set forth in section 62-5 of the County Code of Ordinances.

(Ord. No. 2018-CO-061, 6-28-18; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-151. - Appointment/dismissal.

The operations officer shall be recommended, and appointed or dismissed, by the county administrator with the approval of the county board chairman.

(Ord. No. 2018-CO-061, 6-28-18; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-152. - Duties.

Under the supervision of the county administrator, the operations officer will perform the following duties:

- (a) Provide assistance to the county administrator with a variety of administrative, fiscal, policy, and operational matters; oversees special projects; performs research; prepares reports and presents to the county board as needed; compiles and analyzes administrative and fiscal data; monitors programs and daily department operations as assigned by the county administrator.
- (b) Responsible for facilities management and planning for the entire county and oversees the building maintenance department;
- (c) Advises the county administrator on a variety of county issues as assigned; makes recommendations regarding policy changes; researches issues, complaints, and problems; provides recommendations regarding solutions and courses of action; implements determined course of action.
- (d) Provides county administrator and department heads with technical information, status reports, and policy recommendations related to programs and operations.
- (e) Oversees county departments as assigned by the county administrator.
- (f)

Provides planning, coordination, implementation and administration of assigned programs and special projects; analyzes, researches, and monitors performance; implements improvements and prepares reports of findings.

- (g) Assists the county administrator with developing policy and strategy related to the county's risk management program and self-funded insurance programs; assists in the development and implementation of policies and guidelines to protect the county and its property from loss, damage, liability, and other risks; investigates claims and directly participates in the resolution of claims against the county.
- (h) Communicates and interfaces with a variety of groups and individuals including the department heads, county employees, service providers, state agencies, regulatory agencies, media and the general public to coordinate work activities, resolve problems, and exchange information; represents county administration at department, committee, external agency or service partner meetings as assigned.
- (i) Support efforts to continually improve business practices and processes to efficiently utilize county-wide resources; articulate changes in organizational and business priorities to staff in ways which encourages action and support.
- (j) Assists the county administrator with the development, implementation and monitoring of county strategic goals, objectives, and priorities.
- (k) Serves as the Meaningful Access Coordinator for the County, designated to promote equal access and full participation under Title VI Civil Rights and Title II Americans with Disabilities Act (ADA) for the county.
- (l) Assists the county administrator in the development, management and implementation of the capital improvement plan.
- (m) May perform functions of the county administrator in absence of same.
- (n) Other duties as assigned by the county administrator.

(Ord. No. 2018-CO-061, 6-28-18; Ord. No. 2018-CO-075, 7-26-18)

DIVISION 6. - CHIEF STRATEGIC INITIATIVES OFFICER

Sec. 2-153. - Establishment.

The office of chief strategic initiatives officer is hereby established.

(Ord. No. 2018-CO-062, 6-28-18; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-154. - Qualifications.

The chief strategic initiatives officer shall have, at a minimum, a bachelor's degree from an accredited college or university in public administration, business administration, or related field and ten years of progressive experience in a leadership role, with public sector experience preferred. A chief strategic initiatives officer who

meets the above criteria may be exempted from the residency requirement set forth in section 62-5 of the County Code of Ordinances.

(Ord. No. 2018-CO-062, 6-28-18; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-155. - Appointment/dismissal and duties.

The chief strategic initiatives officer shall be recommended, and appointed or dismissed, by the county administrator with the approval of the county board chairman.

Under the supervision of the county administrator, the chief strategic initiatives officer will perform the following duties:

- (a) Coordinates the board office strategic planning and reporting process.
 - (1) Supports the connectivity between strategic and operational planning.
 - (2) Facilitates monitoring reports to publicly demonstrate operational progress toward achieving the strategic priorities.
 - (3) Prepares, with input from department heads, quarterly transparency reports that are aligned to the strategic and operational plans.
- (b) Implements internal and external communication strategies to engage with stakeholders to ensure public access to information, as well as to enhance knowledge of and support for the county.
 - (1) Develops and promotes the county's brand as in appearance and perception.
 - (2) Serves as the Administration's Freedom of Information Act Officer (FOIA), responsible for coordinating the Administration's central FOIA record, ensuring timely responses, and providing support for escalated requests as necessary.
 - (3) Serves as the administration's public information officer as part of the regional Winnebago County Public Information Officer's all-hazards emergency response partners committee; responsible for providing a coordinated and standardized communications response in case of large-scale disaster.
- (c) Maintains a comprehensive policy management process to ensure policy maintenance, stakeholder access, and consistency.
- (d) Collaboratively develops, assesses, and leads strategic initiatives at all levels of the organization to ensure alignment with organizational standards and objectives.
 - (1) Includes special project management as directed by the county administrator; may be short- or long-term in nature, requiring ongoing collaboration with applicable department head.
 - (2) Promotes decision-making to support cultural development, employee engagement, and long-term organizational sustainability.
- (e) Coordinates the county's engagement in legislative affairs directly affecting the county.
 - (1)

Monitors and swiftly responds to legislative activity to support or oppose legislation relative to the county's legislative agenda.

(2) Works collaboratively with staff and elected officials to articulate the impact of legislative mandates and/or administrative rules on the county.

(f) Other duties as assigned or required by the county administrator.

(Ord. No. 2018-CO-062, 6-28-18; Ord. No. 2018-CO-075, 7-26-18)

Secs. 2-155.1—2-155.5. - Reserved.

DIVISION 7. - CHIEF HUMAN RESOURCES OFFICER

Sec. 2-155.6. - Establishment.

The office of chief human resources officer is hereby established.

(Ord. No. 2019-CO-073, 8-8-19)

Sec. 2-155.7. - Qualifications.

The chief human resources officer shall have, at a minimum, a bachelor's degree with ten to 12 years of progressive HR management experience, including leading an HR division or department within the public sector (preferably a county) or a combination of higher level private sector HR leadership and higher education or manager experience within a public sector environment. Preferred Master's degree in Human Resources Management or a similar master's degree program and HR certification through SHRM or IPMA-HR. A chief human resources officer who meets the above criteria may be exempt from the residency requirement set forth in section 62-5 of the County Code of Ordinances.

(Ord. No. 2019-CO-073, 8-8-19)

Sec. 2-155.8. - Appointment/dismissal.

The chief human resources officer shall be recommended by the county administrator, and appointed or dismissed by the county administrator with the advice and consent of the county board.

(Ord. No. 2019-CO-073, 8-8-19)

Sec. 2-155.9 - Duties.

Under the supervision of the county administrator, the chief human resources officer will perform the following duties:

(a) Serve as a strategic partner to the county administrator to optimize human capital resources.

- (b) Oversees the annual review for improvement of the county's policies, procedures and practices on personnel matters.
- (c) Maintains knowledge of industry trends and employment legislation to ensure compliance.
- (d) Maintains responsibility for the county's compliance with federal, state, and local legislation pertaining to all personnel matters.
- (e) Communicate changes in the county's personnel policies and procedures, and ensures that proper compliance is followed.
- (f) Assists the county administrator with developing policy and strategy related to the county's risk management program and self-funded insurance programs; assists in the development and implementation of policies and guidelines to protect the county and its property from loss, damage, liability, and other risks; investigates claims and directly participates in the resolution of claims against the county.
- (g) Assists the county administrator in developing employee benefit programs and oversee implementation and administration.
- (h) Assists the county administrator with developing effective employee recruitment and retention programs. Responsible for developing reporting metrics to assess the success of these programs.
- (i) Assist the county administrator in the annual review, preparation, and administration of the county's wage and salary program.
- (j) Develop and oversee job description development. Ensures job descriptions are compliant with state and federal regulations.
- (k) Recommend and evaluate staff development for the county.
- (l) Responsible for managing OSHA training and compliance throughout the county. Develop and maintain a system for the human resources department to track, audit, provide support and identify what training should be completed by county departments.
- (m) Serves as the meaningful access coordinator for the county, designated to promote equal access and full participation under Title VI Civil Rights and Title II Americans with Disabilities Act (ADA) for the county.
- (n) Oversee administration of collective bargaining agreements between the county and bargaining units of employees under the employment jurisdiction of the county board and participate in and advise the county administrator in negotiations of collective bargaining agreements.
- (o) May perform functions of the county administrator in absence of same.
- (p) Participate on committees and special projects and seeks additional responsibilities.

The CHRO will develop and implement a county wide performance management system. The system should ensure that following key areas are included: performance planning; ongoing employee feedback; employee input; employee evaluation and employee performance review.

(Ord. No. 2019-CO-073, 8-8-19)

DIVISION 8. - CHIEF INFORMATION OFFICER

*Footnotes:**--- (4) ---*

Editor's note— Ord. No. 2017-CO-100, adopted October 26, 2017, set out provisions intended for use as Division 5, §§ 2-156—2-159. Inasmuch as there were already provisions so designated, and at the discretion of the editor, the provisions have been redesignated as Division 8, §§ 2-155.10—2-155.13.

Sec. 2-155.10. - Establishment.

The office of chief information officer is hereby established.

(Ord. No. 2017-CO-100, 10-26-17)

Sec. 2-155.11. - Qualifications.

The chief information officer shall have, at a minimum, a bachelor's degree in computer science or related field and/or comparable experience and a minimum of ten years of progressive information technology management experience, ideally with a portion of that experience in the public sector. A master's degree in computer science or related field is preferable.

(Ord. No. 2017-CO-100, 10-26-17)

Sec. 2-155.12. - Appointment/dismissal.

The chief information officer shall be appointed or dismissed by the county board chairman with the advice and consent of the county board.

(Ord. No. 2017-CO-100, 10-26-17)

Sec. 2-155.13. - Duties.

- (a) The chief information officer shall serve as a member of the county board chairman's leadership team and advise on a wide-range of issues, including, but not limited to, strategy, policy, planning, and communications.
- (b) The chief information officer shall be subject to the direction and control of the county board chairman and shall supervise the administration of the information technology department.
- (c) The chief information officer shall supervise and evaluate the performance of the employees of the information technology department.
- (d) The chief information officer shall:
 - (1) Recommend overall strategy with regard to the planning, use and coordination of information processing technology and services, including the evaluation of current and proposed systems;

- (2) Negotiate, subject to county board approval, and administer contracts for hardware and software acquisition, implementation and maintenance;
- (3) Handle PC support and applications development;
- (4) Prepare periodic and routine reports on operating performance, equipment and application utilization, level of efficiency and standards of service;
- (5) Supervise technical support staff in maintaining efficient operation of the county's information systems;
- (6) Establish standard operating procedures, work rules, and administrative policies for the information technology department; and
- (7) Perform such other information technology related duties as assigned by the county board chairman.

(Ord. No. 2017-CO-100, 10-26-17)

ARTICLE IV. - DEPARTMENTS

DIVISION 1. - FINANCE DEPARTMENT

Sec. 2-156. - Established.

A finance department is hereby established under the supervision of the chief financial officer and the county board chairman.

(Ord. No. 2006-CO-4, 1-12-06; Ord. No. 2017-CO-110, 11-21-17)

Sec. 2-157. - Responsibilities.

The finance department shall be responsible for the following:

- (1) Be the general accountant of the county and keep its general accounts including payroll processing and accounts payable.
- (2) Devise and install a system of financial records in the offices and divisions of the county, to be followed in such offices and divisions.
- (3) Prepare and coordinate with other offices the necessary audit work papers for completion of the outside audits and the Comprehensive Annual Financial Report.
- (4) Assessment and implementation of necessary internal controls and accounting functions for county departments.
- (5) Other necessary accounting and financial functions as required.

(Ord. No. 2006-CO-4, 1-12-06)

Sec. 2-158. - Director.

The person in charge of the finance department shall be known as the finance director. The finance director shall be recommended, and appointed or dismissed, by the county administrator with the approval of the county board chairman.

(Ord. No. 2006-CO-4, 1-12-06; Ord. No. 2017-CO-110, 11-21-17; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-159. - Organization.

The finance director shall appoint such number of employees as shall be necessary and authorized by the county board.

(Ord. No. 2006-CO-4, 1-12-06; Ord. No. 2017-CO-110, 11-21-17)

Secs. 2-160—2-165. - Reserved.**DIVISION 2. - HUMAN RESOURCES DEPARTMENT***Footnotes:*

--- (5) ---

Cross reference— County personnel regulations, ch. 62.

Sec. 2-166. - Establishment.

A human resources department is hereby established.

(Ord. No. 92-CO-79, § 10(13-2(a)), 11-24-92)

Sec. 2-167. - Responsibilities.

The human resources department shall be responsible for the following:

- (1) Administering all collective bargaining agreements between the county and bargaining units of employees under the employment jurisdiction of the county board.
- (2) Administering the personnel code as it applies to employees under the employment jurisdiction of the county board.
- (3) Administering the health and dental insurance program that is available to the employees.
- (4) Ensuring compliance by the county with all state and federal regulations with respect to employee benefits including, but not limited to, ERISA (Employee Retirement Income Security Act) as amended by COBRA (Consolidated Omnibus Budget Reduction Act).
- (5)

Administering any and all federal and state laws related to fair and equitable hiring and employment practices with respect to employees under the employment jurisdiction of the county board, including, but not limited to, the Illinois Human Rights Act (775 ILCS 5/1-101 et seq.), Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991 and the Americans With Disabilities Act.

(6) Administering the safety and liability risk management program for employees under the employment jurisdiction of the county board.

(7) Assisting the county government elected office holders and chief judge of the 17th Judicial Circuit with respect to subsections (1) through (6) of this section when requested.

(Ord. No. 92-CO-79, § 10(13-2(b)), 11-24-92; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-168. - Director.

The human resources director shall be recommended, appointed, disciplined or dismissed by the chief of human resources or the county administrator with the approval of the county board. In the absence of an administrator and chief human resources officer, the human resources director shall be recommended, appointed, disciplined or dismissed by a majority vote of the county board.

(Ord. No. 92-CO-79, § 10(13-2(a), (c)), 11-24-92; Ord. No. 2017-CO-110, 11-21-17; Ord. No. 2018-CO-075, 7-26-18; Ord. No. 2019-CO-076, 8-22-19)

Sec. 2-169. - Organization.

The director of human resources shall appoint such number of employees as shall be necessary and as authorized by the county board.

(Ord. No. 92-CO-79, § 10(13-2(d)), 11-24-92)

DIVISION 2.1. - HUMAN SERVICES DEPARTMENT

Sec. 2-170. - Establishment.

A human services department is hereby established under the supervision of the chief financial officer and the county board chairman.

(Ord. No. 2007-CO-94, § III, 12-20-07; Ord. No. 2017-CO-110, 11-21-17)

Sec. 2-171. - Responsibilities.

The human services department shall be responsible for the following:

(1) Supervise the administrator of River Bluff Nursing Home and the director of human resources.

(2)

Administer, implement, and evaluate the risk management program in accordance with section 2-246 of this Code.

(3) Serve as liaison with the court services department on implementation of alternative programs.

(Ord. No. 2007-CO-94, § III, 12-20-07)

Sec. 2-172. - Administrator.

The person in charge of the human services department shall be known as the human services administrator. The human services administrator shall be recommended by the county administrator with the approval of the county board chairman.

(Ord. No. 2007-CO-94, § III, 12-20-07; Ord. No. 2017-CO-110, 11-21-17)

Secs. 2-173—2-180. - Reserved.

DIVISION 3. - REGIONAL PLANNING AND DEVELOPMENT DEPARTMENT

Footnotes:

--- (6) ---

Cross reference— *Buildings and building regulations, ch. 18; civil emergencies and emergency services, ch. 30; environment, ch. 42; health and sanitation, ch. 50; parks and recreation, ch. 58; solid waste, ch. 70; subdivisions, ch. 74; utilities, ch. 86; zoning, ch. 90.*

Sec. 2-181. - Establishment.

There is hereby established the department of community development which shall consist of the following divisions:

- (1) Planning and development.
- (2) Building.
- (3) Zoning.

(Ord. No. 92-CO-79, § 6(2-51), 11-24-92; Ord. No. 2007-CO-94, § V, 12-20-07; Ord. No. 2018-CO-075, 7-26-18; Ord. No. 2024-CO-050, 8-22-24)

Sec. 2-182. - Director.

The person in charge of the department of community development shall be known as the director of community development. The director of community development shall be recommended, and appointed or dismissed, by the county administrator with the approval of the county board chairman.

(Ord. No. 92-CO-79, § 6(2-51), 11-24-92; Ord. No. 2007-CO-94, § V, 12-20-07; Ord. No. 2017-CO-110, 11-21-17; Ord. No. 2018-CO-075, 7-26-18; Ord. No. 2024-CO-050, 8-22-24)

Secs. 2-183—2-195. - Reserved.

DIVISION 4. - TRANSPORTATION AND PUBLIC WORKS DEPARTMENT

Footnotes:

--- (7) ---

Cross reference— *Civil emergencies and emergency services, ch. 30; fire prevention and protection, ch. 46; law enforcement, ch. 54; roads and bridges, ch. 66; subdivisions, ch. 74; traffic and vehicles, ch. 82.*

Sec. 2-196. - Establishment.

A department of transportation and public works is hereby established, and the officer in charge thereof shall be the county engineer.

(Ord. No. 92-CO-79, § 1(2-78(a)), 11-24-92; Ord. No. 96-CO-22, § 1, 4-25-96)

Sec. 2-197. - Purpose.

The purpose of the department of transportation and public works is to undertake the powers and duties of the county board as set forth in the State Highway Code (605 ILCS 5/5-101 et seq.) and to enforce all laws, ordinances, resolutions, rules and regulations governing the location, width and course of stormwater or floodwater runoff channels and basins on any map, plat or subdivision of any block, lot or subplot, or any part thereof or any piece or parcel of land within the county; the construction, alteration and maintenance of buildings, structures and camps or parks accommodating persons in house trailers, house cars, cabins or tents and parts and appurtenances thereof in a condition reasonably safe from hazards of flooding; removal of driftwood and other obstructions from natural and other watercourses in the county; the flow within the county of the waters of any river, stream or watercourse over and through any and all dams and other obstructions existing or constructed in, upon, or along any river, stream or watercourse; the prevention of pollution of any stream or any other body of water within the county; the accumulation of runoff or stormwaters or floodwaters within the county; and the prevention of flood damage by regulating the construction of buildings in the county to provide for the orderly runoff or retention of rain and melting snow, except as may be otherwise provided by law or ordinance; and to perform such other tasks as may be delegated by the county board.

(Ord. No. 92-CO-79, § 1(2-78(b)), 11-24-92; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-198. - County engineer; qualifications, responsibilities.

The county engineer shall be appointed pursuant to the provisions of section 5-201 of the State Highway Code (605 ILCS 5/5-201 et seq.). The county engineer shall undertake the duties and responsibilities set forth in the State Highway Code (605 ILCS 5/5-205—5-205.8, inclusive) as well as be responsible for the administration of the transportation and public works department.

(Ord. No. 92-CO-79, § 1(2-78(c)), 11-24-92; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-199. - Organization.

The county engineer shall appoint such employees as shall be necessary and as authorized by the county board.

(Ord. No. 92-CO-79, § 1(2-78(d)), 11-24-92)

Sec. 2-200. - Reserved.

Editor's note— Ord. No. 96-CO-22, § 2, adopted Apr. 25, 1996, repealed § 2-200, which pertained to superintendent of public works and derived from Ord. No. 92-CO-79, § 2(2-79), adopted Nov. 24, 1992.

Secs. 2-201—2-210. - Reserved.

DIVISION 5. - INFORMATION TECHNOLOGY SERVICES

Footnotes:

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Editor's note— Ord. No. 2017-CO-100, adopted October 26, 2017, repealed the former Division 5, §§ 2-211—2-214, and enacted a new Division 5 as set out herein. The former Division 5 pertained to internal services and derived from Ord. No. 92-CO-79, § 3(2-50(a)—(d)), November 24, 1992; ; Ord. No. 2017-CO-110, November 21, 2017.

Sec. 2-211. - Establishment.

An information technology department is hereby established.

(Ord. No. 2017-CO-100, 10-26-17)

Sec. 2-212. - Purpose.

The purpose of the Information technology department is to provide computer, data processing and record retention services primarily to offices and departments of county government and, secondarily, upon specific authorization of the county board, to units of local government within or outside the county, and to other area businesses.

(Ord. No. 2017-CO-100, 10-26-17)

Sec. 2-213. - Director.

The person in charge of the information technology department shall be the chief information officer.

(Ord. No. 2017-CO-100, 10-26-17)

Sec. 2-214. - Organization.

The chief information officer shall appoint such number of technical assistants and employees as shall be necessary and authorized by the county board.

(Ord. No. 2017-CO-100, 10-26-17)

Secs. 2-215—2-225. - Reserved.

DIVISION 6. - PURCHASING AND CENTRAL SERVICES DEPARTMENT

Sec. 2-226. - Establishment.

There is hereby established the department of purchasing and central services.

(Ord. No. 92-CO-79, § 9(13A-1), 11-24-92; Ord. No. 98-CO-65, 11-12-98; Ord. No. 2018-CO-047, 5-10-18; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-227. - Responsibilities.

The department shall be responsible for undertaking, enforcing and monitoring the central purchasing system for county governmental operations, for providing a centralized location for copying and printing services, for supply procurement, and for mailing services.

(Ord. No. 92-CO-79, § 9(13A-2), 11-24-92; Ord. No. 98-CO-65, 11-12-98; Ord. No. 2018-CO-047, 5-10-18; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-228. - Director.

The director of purchasing shall serve as the purchasing agent for the county and shall be responsible for the procurement of materials, supplies, equipment, services, construction, construction related services and professional services in accordance with this division. The director of purchasing and central services shall be recommended, and appointed or dismissed, by the county administrator with the approval of the county board chairman.

(Ord. No. 92-CO-79, § 9(13A-3), 11-24-92; Ord. No. 98-CO-65, 11-12-98; Ord. No. 2017-CO-110, 11-21-17; Ord. No. 2018-CO-047, 5-10-18; Ord. No. 2018-CO-075, 7-26-18)

Secs. 2-229—2-240. - Reserved.

DIVISION 7. - CODE HEARING UNIT

Sec. 2-241. - Establishment.

A code hearing unit is hereby established pursuant to Section 5-41010 of the Counties Code, 55 ILCS 5/5-41010.

(Ord. No. 97-CO-67, § I, 12-11-97)

Sec. 2-242. - Purpose.

The purpose of the code hearing unit is to undertake the powers and duties necessary for the administrative adjudication of county codes regulating animal control; the definition, identification, and abatement of public nuisances; the accumulation, disposal and transportation of garbage, refuse, and other forms of solid waste; the construction and maintenance of buildings and structures; sanitation practices; and zoning.

(Ord. No. 97-CO-67, § I, 12-11-97)

Sec. 2-243. - Hearing officer.

The person in charge of the code hearing unit shall be known as hearing officer and shall preside at hearings conducted to administratively adjudicate allegations of violations of the County Code. The hearing officer shall be recommended by the county administrator with the approval of the county board chairman.

(Ord. No. 97-CO-67, § I, 12-11-97; Ord. No. 2017-CO-110, 11-21-17; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-244. - Organization.

The hearing officer shall appoint such number of employees as shall be necessary and authorized by the county board.

(Ord. No. 97-CO-67, § I, 12-11-97)

Sec. 2-245. - Reserved.

DIVISION 8. - RISK MANAGEMENT

Sec. 2-246. - Purpose.

The purpose of the risk management program is to preserve the operating effectiveness of county government, to protect employees and others from accidents that might result in death, serious injury or property damage, and to reduce costs and promote the efficient use of resources.

(Ord. No. 98-CO-65, 11-12-98)

Sec. 2-247. - Program; elements.

The risk management program will consist of the following elements:

- (1) To provide risk analysis, workers compensation administration, loss control, and safety program development.
- (2) To establish procedures to reduce the loss exposure.
- (3) To develop, recommend and implement goals, objectives and procedures for the risk management program.
- (4) To evaluate and analyze the county's loss history, research risk reduction strategies, and identify areas of weakness; and in cooperation with the human resources department, to utilize effective training programs to improve on those weaknesses.
- (5) To assist the state's attorney's office by investigating and gathering information and documentation for any legal action.
- (6) To perform safety inspections to detect the existing or potential safety problems, recommend corrective action, and assist with the implementation of programs.
- (7) Where appropriate, to develop interdepartmental safety teams to further enhance overall safety programs.
- (8) To develop a system to facilitate communications with the county's liability insurance administrator on claims administration and loss prevention programs.
- (9) To prepare an annual report to the county board.
- (10) The risk management program will be established and overseen by the county administrator and his/her designees.

(Ord. No. 98-CO-65, 11-12-98; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-248. - Program structure.

(a) *Reporting requirements.*

- (1) All incidents resulting in personal injury or death, or damage to personal property shall be reported as immediately as feasible to the human resources department and the county administrator; in all cases, no later than one business day after the incident giving rise to the

injury, death or property damage, or, in the case of an injury to an employee, no later than one business day following the report of the injury.

- (2) Reports of injuries to an employee shall be made on the forms provided for such notice as required by the Worker's Compensation Act. All other notices shall be on forms provided by the human resources department.
- (3) The human resources department will establish a file on each claim. Notice of all incidents resulting in injury or property damage to a third party shall be given to the state's attorney's office, civil division.

(b) *Resolution of claims.*

- (1) All claims made pursuant to the Worker's Compensation Act will be resolved pursuant to the provisions of section 62-242 of this Code.
- (2) Any settlement proposal involving an injury or property damage to a third party must be reviewed by the state's attorney's office, civil division, before an offer of settlement is made to the claimant.

(Ord. No. 98-CO-65, 11-12-98; Ord. No. 2018-CO-075, 7-26-18)

DIVISION 9. - INDEMNIFICATION

Sec. 2-249. - Application of division.

Nothing in this division relieves the county of its duty to indemnify or insure its employees as provided in sections 5-1002, 5-1002.5, and 5-1003 of the Counties Code (55 ILCS 5/5-1002, 5-1002.5, 5-1003).

(Ord. No. 98-CO-65, 11-12-98)

Sec. 2-250. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means any person formerly or presently employed by the county or by a county official.

Official means any former or present elected or appointed officer of the county.

Volunteer means any person, not an employee, who formerly or presently provides service to the county upon the request of or at the direction of an official or employee, without compensation.

(Ord. No. 98-CO-65, 11-12-98)

Sec. 2-251. - Claims or actions.

If any claim or action is brought or instituted against an official, employee, or volunteer, where such claim or action arises out of an act or omission of the official, employee, or volunteer, performed or made in good faith in the discharge of his official duties or in the course of his employment or volunteer service, the county shall indemnify such official, employee or volunteer, as the case may be, for any judgment recovered against him as a result of such claim or action, except where the claim or action arises from the willful or wanton misconduct of the official, employee or volunteer. The county may appear on behalf of and defend any suit any such official, employee or volunteer.

(Ord. No. 98-CO-65, 11-12-98)

Sec. 2-252. - Notice.

Any person who, at the time of performing such action or omission complained of, was an official, employee, or volunteer, who is made a party defendant to any such action shall, within ten days of service of process upon him, notify the county of the fact that the action has been instituted, and that he has been made a party defendant to the action. This notice must be in writing and filed in the office of the state's attorney and also in the office of the county clerk, either by himself, his agent, or attorney. The notice shall state in substance that the official, employee, or volunteer, as the case may be, (by naming him), has been served with process and been made a party defendant to an action wherein it is claimed that a person has suffered injury to his person or property caused by the official, employee, or volunteer, stating the title and number of the case, the court wherein the action is pending, and the date of service. The duty of the county to indemnify is conditioned upon receiving notice of the filing of any such action and the manner and form herein described.

(Ord. No. 98-CO-65, 11-12-98; Ord. No. 2018-CO-075, 7-26-18)

Sec. 2-253. - Exceptions; conflict of interest.

- (a) This division shall not apply:
 - (1) To any portion of a judgment representing an award of punitive or exemplary damages.
 - (2) When an employee, official or volunteer has been charged with a criminal offense.
- (b) Should the state's attorney determine that he has a conflict of interest in representation of an official, employee or volunteer, the official, employee or volunteer, as the case may be, may seek reimbursement from the county for the reasonable costs associated with engaging the services of an attorney to defend him against such claim or action.

(Ord. No. 98-CO-65, 11-12-98)

ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 1. - GENERALLY

Secs. 2-254—2-270. - Reserved.

DIVISION 2. - PUBLIC AID COMMITTEE

Sec. 2-271. - Creation; power and authority.

There is hereby created and named under the provisions of the Public Aid Code, 305 ILC 5/1-1 et seq., the public aid committee which shall have and exercise the power and authority prescribed by article XI of such act.

(Code 1964, § 2-149)

Secs. 2-272—2-300. - Reserved.

ARTICLE VI. - FINANCE

DIVISION 1. - GENERALLY

Sec. 2-301. - Depositories for county funds.

- (a) Depository banks for the funds of the county treasurer and ex officio county collector shall be as designated by the county board from time to time.
- (b) The deposits shall not exceed 75 percent of the capital stock and surplus of the depositories, as provided for by statute, unless securities equal in market value to the amount of funds in excess of 75 percent of the capital stock and surplus of a depository are deposited with the county treasurer or banks designated as "custodial banks" for the purpose of the safekeeping of pledged securities.
- (c) Custodial banks for the safekeeping of securities pledged by depository banks as collateral of any funds deposited in such bank in excess of 75 percent of the capital stock and surplus of such bank shall be as designated by the county board from time to time.
- (d) Such securities deposited for custody with the designated custodial banks may be released from custody, delivered, sold, redeemed, exchanged, or otherwise disposed of upon instructions signed by the depository bank and approved by the county treasurer or designated deputies.
- (e) The following designated securities are authorized as collateral:
 - (1) Obligations of the United States government, treasury bills, notes and bonds.
 - (2) Obligations of United States government agencies.
 - (3) Obligations of the state.
 - (4) Obligations of municipalities and public bodies located in the state.

(Code 1964, § 2-34)

Secs. 2-302—2-310. - Reserved.

DIVISION 2. - INTERNAL AUDIT

Sec. 2-311. - Short title.

This division shall be known, cited and referred to as the "Internal Audit Procedure Ordinance."

(Ord. No. 89-CO-29, § 2-301, 4-27-89)

Sec. 2-312. - Access to records.

The county auditor shall have access to all records, documents and resources necessary to maintain a continuous internal audit.

(Ord. No. 89-CO-29, § 2-302, 4-27-89)

Sec. 2-313. - Contents and issuance of internal audit report.

- (a) Upon the completion of each internal audit, the county auditor shall issue an internal audit report to the affected county officer, agent, or division, with a copy of such report to be sent to the county board committee responsible for financial management.
- (b) This internal audit report will address actual or potential weaknesses within the internal control of the operations and/or financial reporting of the county officer, agent or division and recommend procedures which will improve or eliminate the problem areas.

(Ord. No. 89-CO-29, § 2-303, 4-27-89)

Sec. 2-314. - Response to internal audit report.

- (a) Each county officer, agent or division shall, within three business days, acknowledge receipt of the internal audit report.
- (b) Within 30 days of the receipt of the internal audit report, each county officer, agent, or division shall submit a written response to the county auditor, outlining the action that has been taken in response to the recommendations made by the auditor.
- (c) Subsequent to the issuance of the internal audit report, the county auditor shall review the operations and financial reporting of the affected county officer, agent, or division. This review will focus on, but not be limited to, the recommendations suggested in the internal audit report. Upon completion of the review, a report outlining the conditions found at the time of the review will be prepared and delivered to the county board.

(Ord. No. 89-CO-29, § 2-304, 4-27-89)

Secs. 2-315—2-325. - Reserved.

DIVISION 3. - CENTRALIZED PURCHASING SYSTEM

Footnotes:

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Editor's note— Ord. No. 2023-CO-092, adopted November 9, 2023, amended Div. 3 in its entirety to read as herein set out. Former Div. 3, §§ 2-326—2-336, 2-339, 2-348—2-351, 2-357—2-364, pertained to similar provisions, and derived from Ord. No. 2018-CO-047, May 10, 2018.

Sec. 2-326. - Short title.

This division may be cited as the "Purchasing Ordinance of Winnebago County."

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-327. - General provisions.

(a) Policies and procedures.

- (1) *Purpose.* The underlying purpose and policies of this division are to manage the procurement process in accordance with state statutes and federal rules and regulations; spend taxpayer money wisely and fairly; encourage fair and equitable treatment through broad-based competition; protect against fraud, favoritism, extravagance and corruption; obtain the best commodities and services at the lowest price practicable; make purchases which are in the best interest of the county; provide safeguards for the maintenance of a procurement system of quality and integrity; and meet the needs of the County of Winnebago, Illinois through continuous improvement of purchasing systems and procedures. To the extent permitted by law, the county will promote economic development by encouraging the participation of Winnebago County businesses, by providing equal opportunity for minority and women-owned businesses, and for veterans, and by applying environmentally sound practices in the procurement process.
- (2) *Applicability.* The purchasing ordinance is applicable to the procurement of materials, services, supplies, equipment, construction, construction related services and professional services, except for certain professional services as defined in section 2-357, by the county board except as specified below. These provisions shall apply to all expenditures of public funds by a county department for purchasing regardless of its source, except as otherwise provided by federal or state law, regulations, County of Winnebago Ordinance or county administrative policy. Procurements involving federal or state assistance will be conducted in accordance with any applicable mandatory state and/or federal law, rules or regulation or grant.

a.

The following elected county officials have internal control over their offices, and therefore, are not subject to the county competitive bidding statute or purchasing ordinance:

1. Auditor 55 ILCS 5/3-1004.
 2. County clerk 55 ILCS 5/3-2003.2.
 3. Recorder 55 ILCS 5/3-5005.2.
 4. State's attorney 55 ILCS 5/3-9005.
 5. Treasurer 55 ILCS 5/3-10005.
- b. The following elected county offices have internal control over their offices except for purchases of equipment:
1. Coroner 55 ILCS 5/3-3003.
 2. Sheriff 55 ILCS 5/3-6018.
- c. The following offices are not subject to the county competitive bidding statute or purchasing ordinance.
1. Courts.
 2. Public defender.
 3. Regional office of education.
 4. Clerk of circuit court.
- d. The county engineer shall be required to procure services, materials and equipment for road and bridge construction, maintenance, engineering, land acquisition and such other technical supplies, services and engineering equipment necessary to meet the operational obligations of the county engineer, as set forth in the Illinois Compiled Statutes.
- e. Nothing in this division shall prevent any county department from complying with the terms and conditions of any grant, gift, bequest, or cooperative purchasing agreement that is otherwise consistent with law and this policy.
- f. Purchasing records required under this Section shall be maintained by any county department to which procurement authority has been delegated and a copy of all such records, as appropriate, shall be provided to the purchasing department upon request.
- (3) *Public access to procurement information.* Procurement information shall be a public record as defined by the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.
- (4) *Requirement of good faith.* This division requires all parties involved in the negotiation, performance, or administration of county contracts to act in good faith.
- (5) *Property rights.* Receipt of an invitation for bid (IFB), request for proposal (RFP) or other procurement document or submission of any response thereto, or other offer, confers no right to receive an award or contract, nor does it obligate the county in any manner.
- (6)

Singular-plural gender rules. Words in the singular number include the plural, and those in the plural include the singular. Words of a particular gender include any gender and the neuter, and when the sense so indicates, words of the neuter gender may refer to any gender.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-328. - Severability.

If any provision of this division or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect the validity of the remaining provisions or application of this division.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-329. - Repealer.

All ordinances, resolutions, rules and regulations in conflict with this division are hereby repealed to the extent of their inconsistency.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-330. - Savings clause.

Nothing herein, hereby adopted shall be construed to affect any suit or proceeding now pending in a court of law or any cause or causes accrued or existing under any prior resolution or ordinance. Nor may any right or remedy of any character be lost, impaired or affected by this division.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-331. - Effective date.

This division shall become effective at 12:01 a.m. 30 days after its adoption by the county board.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-332. - Definitions.

The words defined in this section shall have the meanings set forth below whenever they appear in this division.

Architectural, engineering, and land surveying services. Those professional services within the scope of practice of architecture, professional engineering, structural engineering, or land surveying, as defined by the laws of the State of Illinois.

Best and final offer (BAFO). Is a term used in bids to indicate that no further negotiation on the amount or terms is possible. It can also be a bid containing final pricing and deliverables submitted by bidding contractors based on the outcome of the negotiations conducted during the initial bid stage.

Bid. An advertised, open, competitive solicitation for prices that are opened publicly.

Bid security. A guaranty that the bidder will enter into a contract if an offer is presented within the specified period of time; bidder's failure to do so will result in forfeiture of the bid security.

Bid tab. Bid tabulations show each bidder's bid amount for each pay item in a contract. They are posted as soon as the authorized buyer certifies that a bid tab accurately reflects the bids received and publicly opened.

Bidder's list. A current database of potential vendors or contractors for each category of commodities and services repetitively purchased for county use.

Business. Any corporation, partnership, limited liability company, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

Change order. Written authorization directing a contractor to modify or change an existing purchase order or contract.

Competitive proposals. Purchases over the Simplified Acquisition Threshold (SAT). Formal solicitation required as well as fixed price cost-reimbursement contracts and is used when sealed bids are not appropriate. The contract should be awarded to the responsible firm whose proposal is most advantageous to the program, with pricing being one of the factors.

Confidential information. Any information which is available to an employee only because of the employee's status as an employee of the county or its agencies and is not a matter of public knowledge or available to the public via request pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

Construction. The process of building, altering, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

Contract. All types of agreements, regardless of what they may be called, for the procurement or disposal of supplies, services, construction or professional services that are legally binding promises enforceable by law.

Contract employee. See independent contractor.

Contract file. A record maintained in the purchasing department which may include a requisition, purchase order, contract documents and/or related correspondence.

Contract modification. Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

Contract renewal. Continuation of the contract for an additional period of time, under the original terms and conditions, when allowed by provisions for renewal, which were included in the original bid document.

Contract-revenue generating. Revenue generating contracts are agreements under which the county receives from a vendor either a commission or share in the profit generated from the sale of goods or services. Examples include vending machines, food service, and joint-purchasing agreements.

Contractor. Any person having a contract with the county or a using agency thereof.

Cooperative joint purchasing. Procurement or purchasing conducted by or on behalf of more than one governmental or public procurement unit.

Cost plus percentage contracts. Cost plus percentage of cost (CPPC) contracting shall not be used. Cost plus percentage of cost contracts demand the county to pay a fee that rises as the contractor's costs rise. It has been determined that this type of contract provides no incentive for the contractor to control costs and is thus improper. Any contract entered into utilizing cost plus percentage calculation shall be void.

Cost-reimbursement contract. A contract under which a contractor is reimbursed for costs which are allocable in accordance with the contract terms and the provisions of this division, and a fee or profit, if any.

County board chairman. The county officer elected by the electors of the county to serve as chairman of the county board.

County agency. A county officer, employee, department, office, official, commission, county board, or agency whose purchasing authority is subject to the provisions of this division.

Debarment. The process of determining that a contractor is ineligible to receive contract awards based upon a preponderance of evidence, usually a conviction. Debarment is usually three years in length. The name of the debarred contractor may be published as ineligible on the System for Award Management (SAM), which is a website administered by the U.S. General Services Administration, or on the list of sanctioned providers maintained by the State of Illinois.

Discussions. Oral or written negotiations between the county or its agencies and an offeror during which information is exchanged about specifications, scope of work, terms, conditions and price set forth in the initial proposal. Communication with an offeror for the sole purpose of clarification does not constitute discussions.

Elected official. For the purposes of this division, elected official includes; clerk of the circuit court, county auditor, county board chairman, county board members, county clerk, county coroner, county treasurer, and county recorder, superintendent of the regional office of education, county sheriff and state's attorney. For purposes of this division, the Chief Judge of the 17th Judicial Circuit Court is also considered an elected official.

Emergency purchase. Procurement obtained in circumstances which include threats to public health or safety, where immediate repairs to county property are required to protect or prevent against further loss or damage, or where immediate action is needed to prevent or minimize serious disruption to county services.

Employee. An individual drawing a salary or wages from the county whether elected or not and providing services for the county.

Equipment. Items that are purchased or used by the county that are not goods and supplies and which are not expendable except through depreciation or wear and tear, and which do not lose their identity or become integral parts of other items or installations.

FOIA. Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

Goods and supplies. All personal property relating to the maintenance, repair and operating materials necessary to sustain day-to-day county operations.

Gratuity. A payment, loan, subscription, advance, and deposit of money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

IDOT. Illinois Department of Transportation.

Immediate family. Husband, wife, mother, father, mother-in-law, father-in-law, son, daughter, brother, sister, son-in-law, daughter-in-law, uncle, aunt, brother-in-law, and sister-in-law.

Independent contractor. A person hired to accomplish a given result who has the right to control or direct his, her or its own work as to details and means by which the desired results are achieved.

Invitation for bids (IFB). A formal request to prospective vendors soliciting price quotations or bids; contains, or incorporates by reference, the specifications or scope of work and all contractual terms and conditions.

Irresponsible bidder. A bidder or prospective bidder who has failed to furnish, upon written request, proof of his/her responsibility; or who has, as a vendor or contractor with the county, repeatedly made slow or unsatisfactory deliveries; or who has violated, or attempted to violate, any provisions of this division.

Local bidder. A firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by, or pays business taxes to the county.

Material alteration. Any construction, repair, reconstruction, rehabilitation, addition or improvement of a county owned, leased or rented building or structure, which appreciatively or significantly affects or influences its function, use or appearance.

Materials. Items or supplies required in the performance of day-to-day operations.

Micro purchases. Purchase of materials, services, supplies, equipment construction and construction related services that are less than the small purchase threshold. Efforts should be made to distribute purchase equitably among qualified providers.

Multi-year contracts. Procurement contracts extending more than one year.

Multiple price quotation. Where competitive selection is not required or cannot be utilized because of an emergency, a process of obtaining price information from at least three sources or vendors prior to purchase.

Negotiations. The director of purchasing and responsible department head can conduct negotiations, as appropriate, as to price, delivery and terms.

Notice to proceed. Formal notification given to the contractor or vendor that officially begins the project.

Person. Any individual or group of individuals, business, union, contractor, firm, corporation, trustee, partnership, association, joint venture, committee, club or other entity.

Procurement. The buying, purchasing, renting, leasing, or otherwise acquiring of any goods, services, construction, or professional services. It also includes all functions that pertain to the obtaining of any goods, service, construction, or professional services, including description of requirements, selection, and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Public works projects. Any fixed work construction, improvement or demolition by any public body that is funded or financed in whole or in part with public funds and as further defined in the Illinois Prevailing Wage Act, 820 ILCS 130/0.01 et seq.

Purchasing card (P-card). A payment method using a card issued by a bank or major credit card provider for county purchases.

Professional service. The service of a person possessing a high degree of professional skill where the ability or fitness of the person plays an important part and the primary reason for contracting with the person is the county's confidence, trust and belief in his or her talent and ability to perform the services. Professional services include, but are not limited to, appraisers, architects, engineers, accountants, land surveyors, psychologists, physicians, and other health professionals.

Purchase order. A written order signed and issued by the purchasing department directing a business to provide goods, services, construction or professional services on behalf of the county.

Purchase requisition. An internal document, by which a department sends, to the purchasing department, details of goods, supplies, services, equipment, construction, or professional services to meet its needs for a specific job.

Purchasing agent. The director of purchasing or any staff member of the purchasing department authorized to act as a purchasing agent for the county and shall be responsible for the procurement of materials, supplies, equipment, services, construction, construction related services and professional services, and processing contract and purchase orders.

Request for information (RFI). All documents issued to vendors for the sole purpose of seeking information about the availability in the commercial market of equipment, supplies, services, construction, and construction related services.

Request for proposals (RFP). A formal request to prospective vendors soliciting proposals and it contains, or incorporates by reference, the specifications or scope of work and all contractual terms and conditions. Proposals are submitted in sealed envelope and opened privately. Vendors are selected based on a qualification based evaluation.

Request for qualification (RFQ). Documentation requested for professional services including, but not limited to, a list of professional references and similar work performed.

Request for quotes/quotations. Informal pricing for the purchase of goods, supplies, services, equipment, construction or professional services. May be submitted by mail, written, by telephone (verbal quote), or email, and under the current purchase threshold.

Requisition. An electronic request issued by a county department head or his/her designee against available and approved funds authorizing the purchasing department to issue a purchase order on the department's behalf.

Responsible bidder or offeror. A person who has the capability in all respects to perform fully the contract requirements contained in the invitation for bids, has the capacity, facilities, equipment, and credit which will assure good faith performance, and has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

Responsive bidder. A person who has submitted a bid which conforms in all material respects to the invitation for bid.

Responsible bidder for public works projects: A person (firm) who has the capability in all respects to perform fully the public works contract requirements, and the experience, personnel, reliability, facilities capacity, equipment, acceptable past performance and credit which will assure good faith performance. Responsible bidder for public works projects means a bidder for public works projects advertised, awarded, and financed, in whole or in part, with county public funds, who meets all of the job specifications, including the following applicable criteria. Evidence of compliance is required for public works projects estimated to be over bidding threshold in value.

- a. Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, and vehicle. Performance bonds, as required.
- b. To qualify as a responsible bidder for public works projects exceeding \$30,000.00, or as defined in the most current Illinois Compiled Statutes for small purchases, the responsible bidder and subcontractors must be a member of an organization that participates in an active apprenticeship and training programs approved and registered with the U.S. Department of Labor's Office of Apprenticeship and Training, or its successor, for each of the trades of work contemplated under the awarded contract. The required evidence shall include, but is not limited to, a copy of all applicable apprenticeship standards or apprenticeship agreement(s) for any apprentice(s) who will perform work on the public works project.
- c. Compliance with all provisions of the Illinois Prevailing Wage Act, 820 ILCS 130/0.01 et seq. All contractors and sub-contractors, as determined by the contract, are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 et seq.
- d. Disclosure of the name and address of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of the project prior to the subcontractor commencing work on the public works project.
- e. All bidders must provide three projects of a similar nature as being performed in the immediate past five years with the name, address, email, and telephone number of the contact person having knowledge of the project or three references (name, address, email, and telephone number) with knowledge of the business practices of the contractor,

The provisions contained in the definitions of "*responsible bidder*" and "*responsible bidder for public works projects*" shall not apply to grant, state or federally funded construction projects or Illinois Department of Transportation projects if such application would jeopardize the receipt or use of federal, state or grant funds in support of such project.

Reverse auctions. A reverse auction is a real-time bidding process taking place at a scheduled time and internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods and services specified in the invitation for bid.

Services. The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

Small purchase threshold. The threshold established by the county at which public bids are not required.

Small purchases. Purchases that are at least \$10,000.00 and less than \$30,000.00, (less than \$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services), or as defined in the most current Illinois Compiled Statutes.

Sole source procurement. Any contract entered into without a competitive process, based on a written justification that only one known source exists or that only one single vendor or supplier can fulfill the particular requirements. However, any contract that is initially determined to be sole source, shall be referred to the appropriate committee for consideration and recommendation.

Solicitation. An invitation for bids or request for proposals or qualifications or request for quotes to provide materials, services, equipment, supplies or construction and construction related services and professional services.

Specification. Any description of the physical or functional characteristics, or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

Stringing. Dividing or fragmenting procurements in order to circumvent any of the provisions of this division. Stringing is the practice of issuing multiple purchase orders or requisitions for purchasing like items or services, with the intent to circumvent procurement policies.

Subcontractor or supplier. A vendor which enters into a contract with a prime contractor to provide goods or services pursuant to a contract between the prime contractor and the county.

Surplus property. Property including goods and supplies and equipment that exceeds the reasonably foreseeable needs of the county or no longer has any use to the county.

Suspension. Suspension is the process of determining that a contractor is ineligible to receive contract awards based upon adequate evidence, usually an indictment. Suspension is a temporary measure having a 12-month limit. It is usually used pending completion of an investigation or legal proceedings.

Unauthorized purchase. An unauthorized purchase occurs when the materials, services, or any expense is charged to the county by a person who has not been given such authority. Unauthorized purchases include procuring goods and supplies, equipment, construction, or services (including professional services) without following this ordinance. The individual making an unauthorized purchase may incur a personal obligation to the vendor or the county for the expense even though the goods and supplies, equipment, construction, or services (including professional services) are used for county business.

Used equipment. Equipment that: (a) has been in service for at least one-half of its commercially reasonable life, or if its life is less than 24 months, is at least one year old; or (b) is a floor or demonstration model that is offered at a price at least 25 percent below current market price; or (c) is otherwise determined by the director of purchasing on a case-by-case basis to be a bona fide used item.

Using department or agency. Any county department or agency requiring goods and supplies, equipment, services, construction, or professional services procured pursuant to this division.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-333. - Director of purchasing.

The director of purchasing shall serve as the purchasing agent for the county and shall be responsible for the procurement of materials, supplies, equipment, services, construction, construction related services and professional services in accordance with this division. The director of purchasing shall report to the county administrator or their designee and be recommended, appointed, disciplined, or dismissed with the approval of the county board chairman. If no consensus can be reached between the county administrator or their designee and the county board chairman related to the director of purchasing's employment, then it shall be subject to the advice and consent of the county board

Before entering upon the duties of his/her office, the county director of purchasing shall execute a bond to the county in an amount to be prescribed by the county board, with sureties approved by the county board and which bond shall be conditioned as follows: That he/she shall faithfully perform all duties which are or may be required by law and county ordinance to be performed by him/her as county director of purchasing in the time and manner prescribed or to be prescribed by law and county ordinance; and when he/she shall be succeeded in office, shall surrender and deliver over to his/her successor in office all supplies, materials, equipment, books, papers, monies and other things belonging to the county and appertaining to his/her office, then the above bond shall void; otherwise to remain in full force and effect.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-334. - Purchasing department duties.

The purchasing department shall work cooperatively with all departments in making determinations relative to the purchase of goods and supplies, equipment, services, construction, and professional services. In accordance with this division and subject to the direction of the County of Winnebago Board, the county board chairman, and the county administrator, and applicable provisions of state law, the purchasing department shall:

- (1) Procure or supervise the purchasing of materials, services, supplies, equipment, construction, construction related services and professional services required by the county with the exception of policies as determined by IDOT for the highway department.
- (2) Be forwarded suggested specifications for goods and supplies, equipment, services, construction, and professional services from county departments. The purchasing department shall finalize, issue, revise, maintain, and monitor the use of specifications required by the county except for specifications for any public work involving professional engineering shall be prepared by a professional engineer.
- (3) Obtain specifications for construction and maintenance of highways, bridges and culverts, which shall be prepared by the county engineer. All specifications, including those prepared for the county by architects, engineers, designers and draftsmen, shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the county's needs, and shall not be unduly restrictive.
- (4) Execute contracts and purchase orders solicited through open competition for materials, equipment, services, supplies, construction, and construction related services and professional services required by the county.
- (5) Establish and maintain procedures for contract execution and administration, specification development, inspection and acceptance, in cooperation with the county departments using the materials, supplies, services, equipment, construction, construction related services and professional services.
- (6) Make written determinations as required by this division, specifying the facts supporting the determination, for retention in the permanent contract file.
- (7) Obtain expert advice and assistance from personnel of county departments in development of specifications.
- (8) Exercise supervision over inventories of goods belonging to the county.
- (9) Sell, trade, transfer, or otherwise dispose of surplus county property and equipment.
- (10) Review county departments' evaluation of their vendor's performance in order to determine potential suitability for future use by the county.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-335. - Reserved.

Sec. 2-336. - Procedural rules and regulations.

- (a) *Purchasing regulation and operational procedures.* Consistent with this division, in conjunction with the approval of the county board chairman and the county administrator, the director of purchasing may adopt operational procedures, which relate to the execution of his/her duties. All such operational procedures shall be made available for public inspection.

As a matter of accounting procedure to ensure the county has accurate real time accounting records, department heads are required to use the purchasing module of the county's finance system for requisitioning materials, supplies, equipment, services, construction, construction related services and professional services, in order for the purchasing department to issue purchase orders for these transactions.

- (b) *Purchasing determinations.* The director of purchasing shall work cooperatively with all departments in making determinations relative to the purchase of good and services, equipment, services, construction and professional services. No department, office, agency, officer or employee of the county shall be empowered to execute any purchase order, change order, agreement or contract except as authorized by this ordinance.
- (c) *Specific delegation—Highway department.* The procurements as set forth below by the county's highway department need not be processed by the director of purchasing, however the highway department shall be subject to the requirements of this division and the regulations promulgated hereunder in making these procurements. However, federal, state, and IDOT procedures/requirements, and the Winnebago County Highway Department Policy for the Consultant Qualification Based Selection (QBS) Process shall have preeminence. Road and bridge construction, construction related services, engineering services, land acquisition, appraisal services, roadway materials and technical services necessary to meet the operational requirements of the county engineer.
- (d) *Purchasing records.* All records relating to a purchase shall be maintained by the county department to which procurement authority has been delegated and a copy of all such records shall be provided to the purchasing department upon selection of a vendor.

(Ord. No. 2023-CO-092, 11-9-23)

Secs. 2-337, 2-338. - Reserved

Sec. 2-339. - Duties of the state's attorney.

The state's attorney or his/her designee shall serve as legal counsel and provide necessary legal services to the director of purchasing. Bid specifications, requests for proposals and contracts may be reviewed by the state's attorney before dissemination or execution, should that review, in the opinion of the director of purchasing, be necessary.

Secs. 2-340—2-347, - Reserved.

Sec. 2-348. - Availability of funds.

Except in emergencies, as described in [section 2-357](#), no notice of award of contract shall be issued, no contract shall be signed, and no open market purchase order shall be issued, until the county auditor shall have certified that the unexpended balance, in the proper appropriation for the expenditure account concerned, is

sufficient to defray the amount of such contract or purchase order.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-349. - Unlawful purchases.

Except as otherwise provided by law, if any agency purchases or contracts for any supplies, materials, equipment or contractual services contrary to the provisions of this division, such purchase order or contract shall be void and have no legal effect.

It shall be unlawful for any agency to split its requirements for supplies, materials, equipment and contractual services in order to evade the provisions of section 2-357.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-350. - Personal purchases.

No purchases of supplies or equipment for the personal use of an official, agency head or employee of the county shall be made by the county director of purchasing.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-351. - Conflict of interest; acceptance of gratuities, penalties.

(a) Neither the county director of purchasing, nor any full-time county employee or elected official, shall participate directly or indirectly in a procurement when they know that:

(1) They or any member of their immediate family has a financial interest pertaining to the procurement or purchase.

(2) A business or organization in which they, or any member of their immediate family, has a financial interest pertaining to the procurement.

(b) Neither the county purchasing director, nor any county employee or elected official shall accept any payment, gratuity, or offer of employment as an inducement for the award of a contract or an order.

(c) Any person violating subsections (a) and (b) above shall be subject to disciplinary action up to and including discharge, as provided under the county's current ethics and business conduct ordinance/policy.

(d) The offer or delivery of any such gratuity to any elected official or employee of the county by any vendor or contractor, shall be cause for declaring such individual or firm to be an irresponsible bidder, and for debarring him/her from the bidder's list.

(Ord. No. 2023-CO-092, 11-9-23)

Secs. 2-352—2-356. - Reserved.

Sec. 2-357. - Source selection and contract formation.

(a) *Purchases below Simplified Acquisition Threshold.*

- (1) *Simplified Acquisition Threshold (SAT).* The simplified acquisition threshold for the purpose of this division is established at the level of \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) or as defined in the most current Illinois Compiled Statutes for county competitive bids.
- (2) *Micro purchases.* Micro purchases are defined as procurement of materials, services, supplies, equipment, construction or construction related services that are less than \$10,000.00. There is no requirement to obtain competitive quotes but efforts should be made to distribute purchases equitably among qualified providers.
- (3) *Small purchases.* Small purchases are procurement of materials, services, supplies, equipment, construction or construction related services that are at least \$10,000.00 and less than the Simplified Acquisition Threshold of \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) or as defined in the most current Illinois Compiled Statutes for county competitive bids, may be awarded by department heads and/or the director of purchasing where there has been a competitive price quotation process and at least three informal quotations have been sought prior to selection. No formal bids shall be required. The results of the quotes shall be reported to and/or made available for inspection by the county auditor.
- (4) *Informal procurement methods when using federal funds.* When the value of the procurement for property, goods or services does not exceed the Simplified Acquisition Threshold, formal procurement methods are not required. The non-federal entity (county) may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost.
- (5) *Artificial division or fragmentation prohibited.* Procurements shall not be artificially divided or fragmented (stringing) so as to fall below the Simplified Acquisition Threshold in order to circumvent any bidding or competitive selection process and procedures described in this division.

(b) *Competitive bidding.*

- (1) *Conditions for use.* All procurements whose value equals or exceeds the Simplified Acquisition Threshold of \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) or as defined in the most current Illinois Compiled Statutes for county competitive bids, shall be awarded by competitive sealed bidding in accordance with this section except as otherwise provided in 2-357(c) (Request for proposals), 2-357(d) (Professional services selection process), 2-357(e) (Sole-source procurement), 2-357(f) (Emergency procurements), 2-357(g) (Cooperative joint purchasing) or as provided by state statute.

- (2) *Invitation for bids (IFB).* The method of procurement is selected by the cost or the nature of the procurement. An invitation for bids (IFB) solicitation shall be issued and include all specifications, terms and conditions applicable to the procurement.
 - (3) *Public notice.* Reasonable time for the required public notice of the invitation for bids shall be given of not less than ten calendar days excluding county holidays prior to the date set forth therein for the submittal and opening of bids. For bids requiring a mandatory pre-bid conference, the public notice must be published at least five calendar days prior to the conference date. Such notice shall include publication in a newspaper of general circulation within the County of Winnebago, Illinois. The public notice shall state the project, place, submittal date and time of bid opening. All notices that are published in the newspaper shall be published concurrently on the county website
 - (4) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, bid amount and the relevant information the director of purchasing deems appropriate shall be read aloud and recorded on an abstract bid tab. The abstract bid tab shall be available for public inspection for a reasonable period of time.
 - (5) *Late bids.* No bids received after the time specified in the invitation for bids will be considered, as it is the responsibility of the bidder to ensure the bid is delivered according to the requirements stated in the solicitation. All bids received after the specified time will be returned unopened to the bidder.
 - (6) *Acceptance and evaluation of bids.* Bids shall be unconditionally accepted without alteration or correction, except as authorized by this division. Bids shall be evaluated to determine which bidder offers the lowest cost to the county in accordance with the evaluation criteria set forth in the solicitation. In determining the lowest responsive and responsible bidder, the purchasing department will evaluate criteria including, but are not limited to, quality of the product supplied, the product's conformity with the specifications, suitability of the product to the requirements of the county, availability of support services, uniqueness of the service, materials, equipment or supplies, compatibility to existing equipment, delivery terms, discounts, transportation costs, and total or life cycle costs. The invitation for bids and this division shall set forth the evaluation criteria to be used. Alternative bids may be considered and accepted, only if provisions authorizing such offers are specifically stated in the invitation for bids solicitation.
 - (7) *Award.* Upon submittal and approval from the using department's appropriate committee and county board, the contract shall be awarded by a purchasing department notice to the lowest responsive and responsible bidder. All contractually required documentation will be required prior to any notice to proceed.
- (c) *Request for proposals (RFP).*
- (1)

Conditions for use. In cases where the county seeks to contract for a project or service whose goals, tasks or results are known, but for which the procedure or method of accomplishing same either may not be specified or is otherwise undetermined, a contract may be entered into by use of the request for proposal (RFP) procedure. Reasons for using the request for proposal procedure shall be approved by the director of purchasing prior to the commencement of this procedure. Professional service contracts that equal or exceed \$50,000.00, or as authorized in the most current Illinois Compiled Statutes, shall be subject to a request for proposal according to the selection process set forth in this division.

- (2) *Request for proposals (RFP).* A request for proposals shall be issued and include all specifications or scope of services or scope of work, terms and conditions applicable to the procurement and any requirements of a responsible bidder for public works projects, if applicable, and also a statement that said requirements may also be satisfied if the responsible bidder and subcontractors are active members of the Northwestern Illinois Building and Construction Trades Council or the Associated Builders and Contractors.
- (3) *Public notice.* Reasonable time for the required public notice of the request for proposals shall be given of not less than ten calendar days excluding county holidays prior to the date set forth therein for the submittal and opening of the proposals. For offers requiring a mandatory pre-proposal conference, the public notice must be published at least five calendar days prior to the conference date. Such notice shall include publication in a newspaper of general circulation within the County of Winnebago, Illinois. The public notice shall state the project, place, submittal date and time of bid opening. All notices that are published in the newspaper shall be published concurrently on the county website.
- (4) *Receipt of proposals.* Names of offerors will be read aloud in the presence of one or more witnesses and recorded on an abstract. Contents of the sealed proposals shall not be disclosed to any of the competition or offerors during the negotiation process. The abstract shall be open for public inspection only after the contract is awarded.
- (5) *Evaluation factors.* The request for proposals shall state the relative importance of price and other evaluation factors.
- (6) *Discussions with responsible offerors and revisions to proposals.* As provided in the request for proposals, discussions may be conducted only with the responsible offerors, whose submitted proposals are determined to be the most susceptible of being selected for award, for the purpose of clarification to assure full understanding and responsiveness to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revision of proposals. Such revision may be permitted, after submissions and prior to award for the purpose of obtaining best and final offers.
- (7) *Discussions with vendors on un-priced offers.* The director of purchasing may hold discussions with any bidder or offeror who submits an acceptable or potentially acceptable technical offer, before submission or at any time during the evaluation of the un-priced technical offers. During discussions, the director of purchasing shall not disclose any information derived from one

unpriced technical offer to any other bidder or offeror. After discussions, the director of purchasing shall establish a closing date for receipt of final technical offers and shall notify, in writing, bidders or offerors submitting acceptable or potentially acceptable technical offers of the closing date.

- (8) *Guarantees and warranties.* Terms and conditions of bidders', offerors' and manufacturers' guarantees and warranties will be considered in the evaluation of bids, proposals or quotes.
- (9) *Award.* After submission and approval by the using department's appropriate committee and the county board, award will be made to the responsible offeror whose proposal conforms to the solicitation and is determined, in writing, to be in the best interests of the county based on the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made.
- (d) *Professional services selection process.* There will be circumstances where it will be necessary or advisable for the county to engage the services of independent professionals because of the county's requirement or need for such services determined on a project-specific basis. In such cases, it shall be the goal of the county to negotiate the lowest reasonable fees consistent with obtaining the highest possible quality of service and professional expertise from the service providers. Independent professional service providers shall be selected on the basis of their demonstrated competence and expertise relative to the services to be rendered, the cost of the services, and their demonstrated or perceived ability to work with county staff, elected officials, and where applicable, other units of government and members of the public.

The services may require mandatory or essential technical skills as well as, in some cases, professional licenses or certifications and are provided by accredited professionals in connection with defined assignments, which may result in the preparation of a report, the review and analysis of reports prepared by others, preparation of plans or specifications, recommendations of a particular course of action or policy, and include supervision of an activity such as construction.

- (1) *Requirements for engagement of independent professionals.* The need or requirement of the county for the engagement of independent professional services shall be based on a determination that one or more of the following circumstances exist:
 - The project requires an independent professional as a condition of federal, state or local law or regulation, or as a condition of a federal, state or other grant or intergovernmental agreement;
 - The project requires specialized expertise or multiple areas of expertise not available from existing staff;
 - County staff is not available for the project due to present or anticipated workload or other time constraints;
 - The project requires a limited engagement where it is not cost-effective to hire new full-time staff to provide the necessary services or expertise; or

An actual emergency exists where existing staff cannot effectively be deployed or mobilized due to the nature of the occurrence or time constraints.

- (2) *Procedures for selection of independent professionals not subject to the Local Government Professional Services Selection Act, 50 ILCS 510/1 et seq.* Contracts for professional services that are less than \$10,000.00 may be awarded by department heads pursuant to rules promulgated by the director of purchasing. Contracts for professional services that are at least \$10,000.00 and less than \$50,000.00 may be awarded by department heads and/or the director of purchasing where there has been a competitive price quotation process and at least three quotations for the services have been obtained prior to selection.

Contracts for professional services that equal or exceed \$50,000.00, or as authorized in the most current Illinois Compiled Statutes, shall be awarded after a competitive selection process that includes a request for proposals to provide the services, except in cases of actual emergency as set forth in this division.

- (3) *Procedures for selection of independent professionals subject to the Local Government Professional Services Selection Act, 50 ILCS 510/1 et seq.* Professional services of architects, engineers and land surveyors are governed by the requirements of the Local Government Professional Services Selection Act, 50 ILCS 510/1 et seq. (the "Act"), and by state, federal and local policy, rules and regulations, depending upon the type of funding used. All professional service contracts or agreements for professional services using local funds for architectural, engineering or land surveying purposes, shall be subject to the Act. The use of state or federal funds for professional services shall be subject to the state and federal laws, policies, rules and regulations.

- (e) *Sole source procurement.* A contract may be awarded without competition when a department head determines, and director of purchasing concurs in writing, and it is not required by law, after conducting a good faith review of available sources, that the contract by its very nature is not suitable or feasible to competitive bids or proposals. Prior to the director of purchasing and responsible department head conducting negotiations, as appropriate, as to price, delivery and terms, the contract shall be referred to the appropriate committee for approval of sole source procurement. Whenever the reason is determined it is not feasible, the reason shall be documented in the contract file. When a proposed sole source procurement exceeds the purchasing bid threshold, the county administrator or the chief financial officer must be consulted and they must also sign off on the written justification documentation for the contract file. County board award procedures, as detailed, must still be followed.

Examples of contracts which may not be suitable for competitive bids or proposals are contracts where:

- There is only one source for the required goods and supplies, equipment, service, or construction;
- A sole supplier's item is needed for trial use or testing;

- Products are bought for over-the-counter resale;
- Purchases of used equipment;
- Procurement of public utility services;
- Professional expert is requested;
- Systems or product maintenance due to licenses, warranty, compatibility or replacement parts; and
- Service or product availability is within limited geographic boundaries.

(f) *Emergency procurements.* Notwithstanding any other provisions of this division, the procurement of goods, services, or construction items when there exists a threat to public health, welfare, or safety, or to prevent or minimize serious disruption of government services, shall be considered an "emergency". Emergency procurements shall be made with any competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be certified by the appropriate department head, or elected official forwarded to the director of purchasing, and included in the contract file. A confirming resolution, along with the written determination, shall be submitted to the county board for all emergency procurements of \$30,000.00 or more for goods, equipment and services, and for any professional services agreements; and \$35,000.00 or more for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services. Threshold is defined in the most current Illinois Compiled Statutes for county competitive bids. The director of purchasing shall negotiate with the supplier, to the extent practical, a contract in the best interest that must be reasonable considering the circumstances.

(g) *Cooperative joint purchasing.* Subject to applicable state statutes, the county may either participate in, sponsor, conduct, or administer a cooperative joint purchasing agreement for the procurement of goods, services, or construction with one or more public agencies. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between public procurement units and open-ended state public procurement unit contracts, federal contracts, which are made available to other public procurement units after having been bid by another public procurement unit where required. These cooperative purchases may be done without the formality of bidding set forth in this division. County board award procedures as detailed must still be followed.

(1) *Cooperative use of goods and supplies and services.* To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services, the county may enter into an agreement independent of the other requirements of this division with any other public procurement unit for the cooperative use of goods and supplies and services under the terms agreed upon between the parties. Competition requirements shall be met with documented procurement actions using strategic sourcing, shared services, and other similar arrangements.

(2)

Joint use of facilities. The county may enter into agreements for the common use or lease of warehouse space, maintenance facilities, capital equipment, and other facilities with another public procurement unit under the terms agreed upon between the parties.

- (3) The county's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(h) *Solicitation amendments/addendums.*

- (1) *Conditions for use.* If necessary, an amendment/addendum to a solicitation shall be issued to:
 - Make changes in the solicitation
 - Correct defects or ambiguities
 - To furnish other bidders information provided one bidder if the information will assist the other bidders in submitting bids or the lack of information will prejudice the other bidders.
 - (2) *Distribution.* Addendums to solicitations will be identified as such and shall be sent to all persons to whom the solicitation was originally sent.
 - (3) *Receipt acknowledgement.* Addendums shall require the bidder to acknowledge receipt of any mandatory addendums by in their bid response on or before the scheduled date and time of the opening or due date.
 - (4) *Timeframe for vendor evaluation.* Addendums shall be issued in a reasonable period, and if a major change to the specification or requirements will be considered mandatory addendums, not less than five calendar days before the due date to allow prospective bidders sufficient time to consider the mandatory addendums in preparing their bids. If the due date does not allow the bidder sufficient time to review the amendment, the due date may be extended. Due date extensions are not required on non-mandatory type of addendums.
- (i) *Pre-bid and pre-proposal conferences.* The county may conduct a pre-bid or pre-proposal conference within a reasonable time, but not less than five days before the scheduled bid opening date, to explain the procurement requirements. Verbal statements made at the pre-bid conference which are not consistent with the written solicitation shall not be binding upon the county unless a written amendment is issued.
- (j) *Pre-opening modification or withdrawal of bids/offers.*
- (1) *Invitation for bid—Modification or withdrawal.* A bidder may modify or withdraw its bid at any time before the bid opening, if the sealed modification or withdrawal is received in writing before the due date. A bidder or the bidder's authorized representative may withdraw the bid in person if, before the scheduled opening date, the identity of the individual requesting withdrawal is established and that person signs a receipt for their bid. A bid may not be withdrawn if the bid opening has begun. All documents concerning a modification or withdrawal of a bid shall be retained in the appropriate file.

- (2) *Request for proposal—Withdrawal.* A proposal may be withdrawn at any time before the scheduled opening date and time. An offeror or the offeror's authorized representative may withdraw the proposal in person if, before the scheduled opening date, the identity of the individual requesting withdrawal is established and that person signs a receipt for their proposal. A proposal may not be withdrawn if the offer opening has begun. All documents concerning a modification or withdrawal of a bid/offer shall be retained in the appropriate file.
- (k) *Late bids/offers, late withdrawals and late modifications.* A bid, offer, withdrawal, or modification is considered late by the county if it is received after the date and time set for the submission of such bids/offers. A late bid, late offer, late withdrawal, or late modification shall be rejected unless it would have been received on time but for the action or inaction of county personnel. Bidders submitting late bids, late offers, late withdrawals, or late modifications shall be notified of the rejection as soon as practicable. Documentation regarding a late bid, late offer, late withdrawal, or late modification shall be retained in the appropriate file.
- (l) *Unidentified bids/offers.* An unmarked envelope that does not identify a bid or bidder may be opened for the purpose of identification. Record shall be made on the envelope regarding the reason for its opening, date and time it was opened, the solicitation to which the bid or offer applies and the signature of the individual who opened the envelope. The envelope shall then be resealed and retained in the file until the scheduled bid date.
- (m) *Mistakes in bids/offers.*
- (1) *Mistake discovered prior to bid/offer opening.* A bidder/offeror may correct mistakes discovered before the scheduled date and time for the bid/offer opening by withdrawing or correcting the bid/offer.
- (2) *Mistake discovered after bid/offer opening.* After bid/offer opening, a bid/offer mistake may not be corrected or withdrawn except in the following situations;
- In the case of a mathematical error, the unit cost shall prevail and any corrections required due to an error of this nature shall be done by the county.
 - The director of purchasing may waive any minor (non-price) informalities in a bid/offer or allow the bidder/offeror to correct them if the revision is in the best interest of the county.
 - Corrections to a bid/offer shall be permitted only to the extent the bidder/offeror can show by clear and convincing evidence that a mistake of nonjudgmental character was made, the nature of the mistake and the bid/offer price actually intended. The director of purchasing may consult with the using department and appropriate committee chair prior to allowing the correction.
 - In lieu of bid/offer correction, a bidder/offeror alleging a material mistake of fact may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident or the bidder submits evidence that clearly and convincingly demonstrates that a mistake was made.

- The director of purchasing may consult with the using department and appropriate committee chair prior to allowing the bid withdrawal.
- (3) *Mistake discovered after award.* Mistakes shall not be corrected after award of a contract except in cases where the director of purchasing makes a written determination that it would be unconscionable in not allowing correction of the error and upon approval from the appropriate committee and county board.
- (4) *Written determination.* If a correction or withdrawal of a bid/offer after bid/offer opening is permitted or denied under this section, the director of purchasing shall prepare a written determination indicating the basis of the decision to approve or deny the correction or withdrawal. This section shall not preclude any offer modifications requested or allowed as part of a request for proposals process.
- (n) *Only one bid/offer is received.* If only one responsive bid/offer is received to a solicitation, bid or quote, an award may be made to the single bidder/offeror if the director of purchasing determines that the price submitted is fair and reasonable and that other prospective bidders/offerors had reasonable opportunity to respond or that there is not sufficient time for initiating another solicitation. Otherwise, the director of purchasing may exercise the option to reject the bid/offer and seek bids/offers through a new solicitation process.
- (o) *Tie bids.* Tie bids are the lowest cost bids from responsive and responsible bidders that are identical in price. Award of tie bids will be determined as follows:
If the bids are equal in all respects, the award shall be made by a coin toss by the director of purchasing with one or more witnesses upon three days written notice to the bidders. Tie bidders will be afforded the opportunity to witness the coin toss, however, attendance is voluntary.
- (p) *Confidential information.* If a person believes a bid, proposal, offer, specification or protest submitted to the county contains either trade secrets or proprietary property, a statement should be included in the submission, which describes and supports their claim. The trade secrets or proprietary property must be specifically identified as the information considered confidential. Entire bid submissions shall not be eligible for consideration as confidential material. Trade secrets or proprietary property are exempt from inspection and copying under the FOIA. The county does not represent, warrant or guarantee that any information designated as trade secrets or proprietary property will in fact be so deemed by any court, and all bidders assume the risk that any and all information contained in a bid or proposal may not be exempt from disclosure under the Act. The county expressly disclaims all liability for such disclosure.
- (q) *Cancellation of a solicitation.* A solicitation may be cancelled or submitted bids or proposals may be rejected in whole or part as may be specified in the solicitation if it is in the best interests of the county. The reasons for such cancellation or rejection shall be included in the procurement file. Every solicitation issued by the county shall contain language stating the county's right to cancel the solicitation and to reject submitted bids or proposals.

- (1) *Cancellation of a solicitation before the due date and time.* The director of purchasing has the authority to cancel a solicitation, in whole or part, before the due date and time if a determination is made that cancellation is in the best interests of the county. If a solicitation is cancelled before the required submittal date and time, notice of the cancellation shall be sent to all persons to whom the solicitation had been distributed. The notice shall identify the solicitation and the reason for cancellation. Any received bids/proposals shall be returned unopened to the vendors.
- (2) *Cancellation of a solicitation after receipt of bids or proposals.* The director of purchasing has the authority to cancel a solicitation after receipt of bids or proposals, but before award, if a determination is made that cancellation is in the best interests of the county. A notice of cancellation shall be sent to all bidders or offeror's submitting bids or proposals.

Bids or proposals received for the cancelled solicitation shall be retained in the appropriate procurement file. If, within a reasonable time, the director of purchasing intends to issue a new solicitation for the same materials, services, equipment, supplies, construction or construction related services the proposals submitted under the cancelled solicitation may be withheld from public inspection upon written determination that this action is in the county's best interest. After award of the second solicitation, bids or proposals submitted in response to both solicitations may be open for public inspection.

- (r) *Rejection of individual bids or proposals.* A bid or proposal may be rejected if:

- The bidder is determined to be non-responsible.
- The bid is non-responsive.
- The proposed price is unreasonable.
- The bid or proposal is not in the best interests of the county.

Bidders or offeror's will be notified in writing of the rejection of their bids or proposals with a copy retained in the appropriate procurement file. The determination for rejection will be retained in the procurement file and shall be available for public inspection.

- (s) *Responsibility of bidders and offerors.*

- (1) *Determination of vendor responsibility.* Before awarding a contract to a bidder or offeror, the director of purchasing will determine whether that bidder or offeror is responsible. The signature of the appropriate official authorized to execute the contract award signifies the bidder or offeror is responsible.
- (2) *Factors in determining responsibility.* Factors considered in determining whether a bidder or offeror is responsible are:
 - The bidder's or offeror's resources in terms of financial, physical and personnel.
 - The bidder's or offeror's record in terms of past performance, such as a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; a debt owed by the contractor to the county; or suspension or debarment by

another governmental entity.

- Whether the bidder or offeror is legally qualified to do business with the county.
- Whether the bidder or offeror complied with requirements for submitting information regarding their responsibility.
- Whether the bidder or offeror met specific responsibility criteria established within the solicitation.
- Where a bidder or offeror fails to promptly supply information in connection with any inquiries concerning responsibility.
- The qualities of the products supplied, their conformity with the specifications, and their suitability to the requirements of the county.
- Availability of support services.
- Compatibility to existing equipment.
- Delivery terms.

(3) *Determination of a non-responsible bidder/offeror.* A determination of a non-responsible bidder or offeror shall be in writing by the director of purchasing outlining the basis of the determination and a copy shall be included in the procurement file.

(4) *Notification to non-responsible bidder/offeror.* A notice shall be sent to the non-responsible bidder or offeror stating the basis of the determination.

(5) *Dissemination of bidder/offeror information.* Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the purchasing department without the prior written consent by the bidder or offeror except in accordance with section on public access to procurement information.

(6) *Bidder/offeror rights.* A finding of non-responsibility shall not be construed as a violation of the rights of any person.

(t) *Authorization for the use of electronic transmissions.* The use of electronic media for all procurement procedures, including acceptance of electronic signatures, is authorized consistent with Illinois law for use of such media. The director of purchasing shall determine which solicitations and/or contracts are suitable for electronic transmissions, giving consideration to appropriate security to prevent unauthorized access to the bidding, approval and award processes; and accurate retrieval or conversion of electronic forms of such information into a medium which permits inspection and copying.

(u) *Bid security, contract performance and payment bonds.*

(1) *Requirement for bid security.* Bid security may be required for contracts when provided by statute or when the director of purchasing determines it is in the county's best interests. Acceptable forms of security which may be submitted are: an executed surety bond issued by a firm licensed and registered to transact such business with the State of Illinois; cash, certified check or cashier's

check payable to the County of Winnebago (personal or company checks are not acceptable); an irrevocable letter of credit; or any other form of deposit issued by a financial institution and acceptable to the county.

- (2) *Amount of bid.* Bid security shall be in an amount not to exceed ten percent of the amount of the bid/offer. Terms of forfeiture shall be expressed in the bid document.
- (3) *Contract performance and payment bonds.* When a contract is awarded the required performance bonds or payment bonds, in the amount stated in the bid document, shall be delivered to the county and shall become binding on the parties upon the execution of the contract. Bid security, performance bonds or payment bonds shall not serve as a substitute for determining bidder responsibility.
- (v) *Multi-year contracts.* Multi-year contracts are limited to a specified period. Unless otherwise provided by law, a contract for supplies or services may be entered into for any specified period of time deemed to be in the best interests of the county, with optional renewals up to five years, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. However, the total contract term for any contract (except leases), including the time periods by which the contract is extended due to renewal, shall not exceed a maximum of five years, unless approved by the county board, in specific circumstances and pursuant to section 2-363(c). Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds thereof, and copies of all contracts shall be submitted with annual budget requests.
- The county shall cancel a contract due to unavailability of funds when funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period.
- (w) *Extension of bid/offer acceptance time.* After opening of bids or offers, the director of purchasing may request, in writing, an extension of time during which the county may accept the bids or offers only from bidders or offerors meeting the stipulated submission date and time requirements of the solicitation. Subsequent to receipt of the county's extension request the bidder or offeror may withdraw their bid or offer, without penalty, through written notification to the director of purchasing. No other modifications shall be allowed.
- (x) *Communication during the procurement process.* In an effort to create a more competitive and unbiased procurement process, the county shall establish a single point of contact throughout the solicitation process. Therefore, from the issue date of any solicitation until the due date of the solicitation, all requests for clarification or additional information regarding the solicitation, or contact with county personnel concerning this solicitation or the evaluation process must only be through the purchasing department staff. Inquiries will be collected by purchasing department staff who will then submit the inquiries to the department head responsible for the procurement. Responses by the department head to the inquiries will be submitted to the purchasing department staff who will then distribute the responses to all vendors responding to the solicitation. In this way it will be assured that all vendors participating in the process will be receiving the same information. No contact regarding this solicitation with other county employees, agents of the county or elected officials is permitted

unless expressly authorized by the director of purchasing. A violation of this provision is cause for the county to reject the bidder's proposal. If it is later discovered that a violation has occurred, the county may reject any proposal or terminate any contract awarded pursuant to this solicitation.

- (y) *Revenue generating contracts.* Revenue generating contracts are agreements under which the county receives a commission from a vendor or other public entity for goods or services sold, such as a joint-purchasing agreement or vending contract. Departments should ensure that an agreement has been fully executed between the county and the vendor or public entity. The director of purchasing and/or state's attorney's office is required to be notified of any revenue generating agreements that are executed by department heads and/or elected officials.
- (z) *Insurance requirements.* For all contracts, the contractor and all subcontractors shall be required to maintain adequate insurance coverage for the duration of the contract. The director of purchasing shall determine the types and amounts of coverage that shall be required, as recommended by the county's insurance broker/risk consultants. The contractor shall have the county named as an additional insured and furnish the director of purchasing with satisfactory evidence of said insurance. The successful bidder shall maintain for the duration of the contract and any extensions thereof, at bidder's expense, insurance that includes "occurrence" basis wording and is issued by a company or companies qualified to do business in the State of Illinois that are acceptable to the county, which generally requires that the company be assigned a Best's Rating of A or higher with a Best's financial size category of Class XIV or higher.
- (aa) *Hold harmless clause.* The successful bidder agrees to indemnify, save harmless and defend the County of Winnebago, Illinois its agents, servants, and employees, and each of them against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and attorney's fees, for or on account of any injury to any person, or any death at any time resulting from such injury, or any damage to property, which may arise or which may be alleged to have arisen out of or in connection with the work covered by the contract upon award.
- (bb) *Fiscal responsibility.* The purchasing department shall first work cooperatively with the department head or elected official for the purchase of goods and supplies, equipment, services, construction, and professional services by obtaining any bids, offers or proposals. Then upon obtaining said bids, offers, proposals, and prior to the issuance of any purchase order, contract, change order or contract modification the department head or elected official shall verify that sufficient budgeted funds are available.
- (cc) *County records retention.* All determinations and other written records, emails and notes pertaining to the solicitation, award and performance of a contract shall be maintained for the county in the procurement records in the purchasing department. All procurement and contract records shall be retained and disposed of by the county in accordance with records retention guidelines and schedules approved by the State of Illinois Local Records Commission.
- (dd)

Contractor record retention. For all contracts, the contractor and all sub-contractors shall be required to maintain adequate records appropriate to the type of contract, to retain such records for a minimum of three years from final payment unless otherwise specified in the solicitation, and to make such records available for inspection by the county upon reasonable terms consistent with state law. For contracts subject to the Illinois Prevailing Wage Act, the retention period shall be five years and the contractor shall also be required to submit certified payroll affidavits and to make such all payroll records available for inspection by the Illinois Department of Labor.

- (ee) *Reporting of anticompetitive practices.* When, for any reason, collusion or other anticompetitive practices are suspected among any bidders, a notice of the relevant facts shall be transmitted to the state's attorney.
- (ff) *Technology purchases not suitable for competitive bid.* The purchase of used computer hardware, used computer hardware maintenance, and used computer hardware support services shall not be required to be competitively procured. The purchases over \$35,000.00 may be authorized by the county board. The purchase of computer software, computer hardware, and computer databases that have been competitively procured and that require additional proprietary licensing, software integrations, software development, software maintenance, computer hardware maintenance, database maintenance, software support services, database support services and computer hardware support services are not suitable for competitive procurement and may be authorized for purchase.
- (gg) *Request for information.* The director of purchasing may issue a request for information to obtain data about services, equipment, materials, supplies, or construction and construction related services to meet a specific county requirement. Sufficient public notice shall be provided in the same manner as stipulated in [section 2-357](#).
- (hh) *Grant programs.* Under certain grant programs the county acts as a third-party administrator of local, state and federal funds and does not procure goods and services for the county. The processing of a grant requisition is done to facilitate the method of payment and does not require any of the normal procurement procedures or approvals under this ordinance.
- (ii) *Circumstance not suitable for bid.* The following types of procurements are determined by the county board to be not suitable for competitive bidding, some as defined in 55 ILCS 5/5-1022(c): purchases of used equipment, purchases at auction, sole supplier's item needed for trial or testing, there is only one source for the required supply, services or construction item, purchases of regulated utility services or other services for which a tariff or set rates are published; purchases for which there has been a record of no competition, as evidenced by single bids, for four consecutive years. Contracts awarded under this section shall not contain an automatic renewal clause.
- (jj) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive and/or sole source procurement can be used. The director of purchasing and/or the responsible department head can conduct negotiations, as appropriate, as to price, delivery, and terms. Further, any contract that is

initially determined to be noncompetitive procurement pursuant to this subsection, shall be referred to the appropriate committee for consideration and recommendation. Examples of noncompetitive procurement not suitable for bidding are as follows:

- (1) The acquisition of property, supplies, construction or services, the aggregate dollar amount of which does not exceed the small purchase threshold;
 - (2) The item is available only from a single, sole source;
 - (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
 - (4) The federal awarding agency or pass-through entity expressly authorizes a non-competitive procurement in response to a written request from the non-federal entity;
 - (5) A sole supplier's item is needed for trial use, sample or testing;
 - (6) Products are for over-the-counter resale;
 - (7) For the purchases of used equipment;
 - (8) For the purchases done by auctions;
 - (9) After a good faith effort of researching of a number of sources, competition is determined inadequate;
 - (10) Specifics of a state or federal grant requirements; or
 - (11) Revenue generating type of agreement.
- (kk) *Geographical preferences prohibited.* A non-federal entity (county) must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-358. - Specification.

(a) *Responsibility for specifications.*

- (1) The director of purchasing or delegated using department shall prepare, revise, and monitor specifications for materials, supplies, services, equipment and construction or construction related services required by the county except that specifications for any public work involving professional engineering shall be prepared by a professional engineer.
- (2) Highway department may prepare specifications for construction and maintenance of highways, bridges, and culverts in accordance with IDOT standards.
- (3)

Specifications for grant-funded contracts shall include all terms and conditions required by the grant, and it shall be the responsibility of the using department to furnish such terms and conditions for inclusion by the director of purchasing.

- (4) The director of purchasing shall retain authority to approve or disapprove all specifications.
- (b) *Relationship with using departments.* The director of purchasing shall obtain expert advice and assistance from personnel of using departments in the development of specifications and may delegate to a using department the authority to submit its own specifications. The director of purchasing shall retain authority to approve or disapprove all specifications.
- (c) *Maximum practicable competition.* All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the county's requirements and shall not be unduly restrictive. This policy applies to all specifications including but not limited to, those prepared for the county by architects, engineers, designers, and draftsmen.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-359. - Appeals and remedies.

- (a) *Bid protests.*
 - (1) Any actual or prospective bidder or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the director of purchasing. Any protest must be submitted in writing within five business days from the issuance of the solicitation, addendum, and notice of award or other decision by the purchasing department.
 - (2) In the event of a timely protest under this section, the director of purchasing after consulting with the state's attorney shall determine whether it is in the best interests of the county to proceed with the solicitation or award of the contract.
 - (3) When a protest is sustained and the protesting bidder should have been awarded the contract under the solicitation but is not, then the protesting bidder shall be entitled only to the reasonable costs incurred in connection with the solicitation, including bid preparation costs other than attorney's fees.
- (b) *Contract claims.* All claims by a contractor against the county relating to a contract, except bid protests, shall be submitted in writing to the director of purchasing. The contractor may request a conference with the director of purchasing on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.
- (c) *Authority to settle bid protests and contract claims.*
 - (1)

The director of purchasing, after consultation with the state's attorney, is authorized to settle any procedural protest regarding the solicitation or award of a county contract prior to an appeal to the county board, or any committee thereof. The director of purchasing, after consulting with the state's attorney, is authorized to make recommendations on the settlement of any monetary claim to the appropriate committee of the county board for their consideration.

- (2) If the protest or claim is not resolved by a mutual agreement, the director of purchasing shall promptly issue a decision in writing, and it shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights. The director of purchasing's decision shall be final and conclusive unless, within five business days from the date of receipt of the decision, the county board chairman receives a written appeal from the contractor.
- (3) If the director of purchasing does not issue a written decision regarding any protest or claim within ten business days after written request for a final decision, or within such longer period as may be agreed upon between the parties, then the aggrieved party may proceed as if an adverse decision had been received.
- (d) *Appeal process.* Any actual or prospective bidder or contractor may appeal a decision of the director of purchasing regarding bid protests or contract claims to the county board chairman. The director of purchasing's decision shall be final and conclusive unless, within five business days from the date of receipt of the decision the county board chairman receives a written appeal regarding the director of purchasing's decision. The county board chairman shall, in writing, render a decision within ten business days. The decision of the county board chairman is final.
- (e) *Elected county officials.* Decisions and determinations made under this Section are subject to the review and approval of elected county officials as provided by state law.
- (f) *Procedure for non-compliance for purchases.*
 - (1) *Procedure for non-compliance for purchases under \$30,000.00.* The county auditor shall not approve any payment for goods, supplies, services, or construction (except for professional services) unless such procurement was in compliance with the terms of this division. If the county auditor is requested to process any payment that is not in compliance with this division, the auditor shall, after consultation with the state's attorney, promptly report such request and the nature of the non-compliance to the chair of appropriate committee. If the purchase amount is \$30,000.00 or less (\$35,000.00 or less for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) and, if the procurement is not in violation of federal or state law, then the department head or elected official making the request of the auditor for payment, shall present the matter by resolution to the appropriate committee and the county board for its consideration. Threshold is defined in the most current Illinois Compiled Statutes for county competitive bids.

(2)

Procedure for non-compliance for purchases of professional services. If the county auditor is requested to approve any payment for professional services in excess of \$50,000.00, that is not in compliance with this division, the auditor shall, after consultation with the state's attorney, promptly report such request and the nature of the non-compliance to the chair of the appropriate committee. If the state's attorney opines that the services sought constitute professional services under state law, and, if the procurement is not otherwise in violation of federal or state law, then the department head or elected official making the request of the auditor for approval, shall present the matter by resolution to the appropriate committee and county board for its consideration.

- (3) *Procedures for non-compliance prior to bid opening or closing date for receipt of proposals.* If prior to the bid opening or the closing date for receipt of proposals, the director of purchasing determines that a solicitation is in violation of federal, state, or local law, then the solicitation shall be cancelled or revised to comply with applicable law.
- (4) *Procedures for non-compliance prior to award.* If after bid opening or the closing date for receipt of proposals, the director of purchasing, after consultation with the state's attorney, determines that a solicitation or proposed award of a contract is in violation of federal, state, or local law, then the solicitation or proposed award shall be cancelled.
- (5) *Procedures for non-compliance after award.* If, after an award, the director of purchasing, after consultation with the state's attorney, determines that solicitation or award of a contract was in violation of this division, then:
 - a. If the person awarded the contract has not acted fraudulently or in bad faith:
 1. The contract may be ratified and affirmed by the county board, provided it is determined that doing so is in the best interests of the county and provided that no violation of federal or state law has occurred in the procurement process; or
 2. The contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract prior to notification.
 - b. If the person awarded the contract has acted fraudulently or in bad faith the contract may be declared null and void or voidable, if such action is in the best interests of the county.

(g) *Remedies for solicitations or awards in violation of law.*

- (1) *Prior to bid opening or closing date for receipt of proposal.* If, prior to the bid opening or the closing date for receipt of proposals, the director of purchasing determines that a solicitation is in violation of federal, state or local law, then the solicitation shall be canceled or revised to comply with applicable law.
- (2) *Prior to award.* If after bid opening or the closing date for receipt of proposals, the director of purchasing determines that a solicitation or a proposed award of a contract is in violation of federal, state or local law then the solicitation or proposal award shall be canceled in accordance with this division.

- (3) *After award.* If, after an award, the director of purchasing determines that a solicitation or award of a contract was in violation of applicable law, then:
- If the person awarded the contract has not acted fraudulently or in bad faith, the contract may be terminated in accordance with the terms and conditions of the contract.
 - If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-360. - Debarment.

- (a) *Prohibition to award contracts to parties debarred or suspended.* No contract may be awarded to parties listed on the federal government's Excluded Parties List System in the System for Award Management (SAM), on the State of Illinois' list of sanctioned persons maintained by the agency's office of inspector general, or on the county's own list of parties suspended or debarred from doing business with the county.
- (b) *Authority to debar.* After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the director of purchasing, after consultation with the state's attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. The causes for debarment include:
- (1) Criminal conviction for an incident related to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
 - (2) Conviction for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or honesty which seriously and directly affect responsibility as a county contractor;
 - (3) Conviction under state or federal antitrust laws arising out of the submission of bids or proposals;
 - (4) Violation of contract provisions or a character which is regarded by the director of purchasing to be so serious as to justify debarment, including, but not limited to:
 - a. Deliberate failure to perform the specifications or within the time limit provided in the contract; or
 - b. A record within the previous five years of failure to perform or to perform unsatisfactorily the terms of one or more contracts, excluding situations in which the lack of performance is caused by acts beyond the control of the contractor.
 - (5) Any other cause which the director of purchasing determines to be so serious and compelling as to affect responsibility as a county contractor, including debarment by any other governmental entity for any cause listed in this division; and
 - (6) For violation of the ethical standards set forth in this division.
- (c)

Decision to debar. The director of purchasing shall issue a written decision to debar. The decision shall state the reasons for the action taken and inform the debarred person involved. A copy of said decision shall be provided to the county board chairman.

- (1) A copy of the decision required by this section shall be mailed or otherwise delivered by the director of purchasing to the debarred person within five business days after such decision is made.
- (2) A decision to debar shall be final. The debarred person shall have ten business days after receipt of the decision to submit a written appeal to the county board chairman for consideration by the appropriate committee. The debarred person shall be notified in writing of the time, date and location when the appeal shall be considered and shall be afforded a reasonable opportunity to state its position in writing, to submit evidence, to examine and cross-examine witnesses and to hire and be represented by counsel of its own choice. The appropriate committee shall issue its decision promptly, but in no event later than 30 calendar days after conclusion of the hearing. The decision of the appropriate committee shall be final.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-361. - Contract management policy.

- (a) *Contract policy.* This section defines the parameters by which a county contract is created and defines the required administrative review process for managing county contracts. The purchasing department shall be responsible for ensuring that all contracts comply with applicable federal and state laws and internal procedures. All contracts entered into by the county, including original contracts, amendments, and extensions, may be signed only by the designated authority set forth in this division, are subject to appropriate legal review, and must be stored and retained according to document retention policies unless specifically excluded by this or another policy adopted by the county board.
- (b) *Definitions.*
 - (1) *Contract compliance.* The process of reviewing and managing contracts and agreements that bind the county. Policies that determine how contracts will be processed fall under the responsibility of the county board and shall be enforced by county administration and administered through the purchasing department.
 - (2) *Contract administration.* The ongoing process of ensuring that the terms and conditions of contracts are being implemented as agreed to by the parties. Contract administration is the responsibility of the purchasing department and the requesting department head or elected official. The department head or elected official is the individual responsible for promoting the contract, including ensuring that appropriate approval is obtained and, where required, the appropriate committee and county board approval.
- (c) *Procedures.*
 - (1)

All proposed contracts must be submitted to the purchasing department for review and processing. The director of purchasing, upon completion of his/her review, may if deemed necessary, submit the contract to the state's attorney or his/her designee, to ensure that the contract meets all legal requirements.

- (2) If submitted to the state's attorney or his/her designee, for review, after an opinion has been rendered on the proposed contract, the director of purchasing will edit the language of the contract as suggested by the state's attorney or his/her designee and forward the revised draft contract to the department head or elected official to obtain approval as required by this division. If no legal opinion is requested, the director of purchasing will, upon completion of his/her review, forward the draft contract to the department head or elected official to obtain approval before proceeding, when required, to the appropriate committee and county board for approval.
 - (3) After approval of the proposed contract is obtained, the director of purchasing will send the contract to the vendor for signature with instructions to return it to the purchasing department. Upon receipt of the signed contract, the director of purchasing shall be responsible to have the contract executed on behalf of the county and will advise the requesting department head or elected official when the contract has been duly executed and is in force.
 - (4) The purchasing department will index and image the contract, ensuring access to it by the requester and other county officials. The original contract will be filed with the county clerk's office. A system will be put in place that will generate a notice to the originating department head or elected official months prior to the expiration of each contract to allow the original requester to begin the process of developing a new contract, if required.
- (d) *Types of contracts.* Subject to the limitations of this section, any type of contract which is appropriate to the procurement and which will promote the best interests of the county may be used, provided that the use of a cost plus percentage of cost contract is prohibited. A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the county than any other type or that it is impracticable to obtain the goods and supplies, equipment, services, or construction required except under such a contract.
- (e) *Multiple source contracting.* A multiple source award is an award of an indefinite quantity for one or more similar goods or services to more than one bidder. A multiple source award may be made when awards to two or more bidders for similar products is necessary for adequate economic delivery, service or product compatibility. Any multiple source award shall be made in accordance with this division, as applicable. Multiple source awards shall not be made when a single award will meet the county's needs without sacrifice of economy or service. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements of the county without sacrificing economy and service.

If a multiple source award is anticipated prior to issuing a solicitation, the county shall reserve the right to make such an award and the criteria for award shall be stated in the solicitation. The director of purchasing shall make a determination setting forth the reasons for a multiple source award.

- (f) *Excluded contracts.* Unless mandated by the county board no employment or U.S. Health Insurance Portability and Accountability Act of 1996 (HIPAA) contracts will be held in the purchasing department nor will they be approved or negotiated by the director of purchasing.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-362. - Contract execution.

- (a) *Requisitions.* Prior to submission to the purchasing department, all requisitions shall be approved by the department head or elected official making the request or by an individual authorized by the department head or elected official.
- (b) *Fiscal responsibility.* The purchasing department shall first work cooperatively with the department head or elected official for the purchase of goods and supplies, equipment, services, construction, and professional services by obtaining any bids, offers or proposals. Then upon obtaining said bids, offers, proposals, and prior to the issuance of any purchase order, contract, change order or contract modification, the department head or elected official shall verify that sufficient budgeted funds are available.
- (c) *Authorization to issue bids or other solicitations.* The director of purchasing may issue bids or other solicitations for any goods and supplies, equipment, services, or construction for which funds have been specifically budgeted. Approval of the using departments appropriate committee making the request is required prior to any solicitation for any goods and supplies, equipment, services, or construction not specifically authorized in the budget, except those covered in this division.
- (d) *Review of contracts.* At the discretion of the director of purchasing, the state's attorney may review, prior to award, all contracts. This review shall not be required when the form and content of the contract documents has previously been approved by the state's attorney.
- (e) *Approval of contracts.*
- (1) *Contracts of \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) (\$50,000.00 for professional services) or more.* The committee in charge of the using agency shall submit their recommendation on the award of a contract where the total cost of the contract exceeds \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) (\$50,000.00 for professional services), by resolution, to the county board for its consideration at its next meeting. After award by the county board, contracts shall be signed by the county board chairman or designee. Threshold is as defined in the most current Illinois Compiled Statutes for county competitive bids.
- (2) *Contracts of less than \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) (\$50,000.00 for professional services).*

Department heads or elected officials (excluding county board members) may sign all contracts where the total cost of the contract is between \$10,000.00 and \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) (\$50,000.00 for professional services). Threshold is as defined in the most current Illinois Compiled Statutes for county competitive bids.

- (3) *Contracts involving a material alteration.* All contracts, regardless of cost, that will result in a material alteration shall be submitted to the appropriate committee, by resolution, to the county board for its consideration at its next meeting. After award by the county board, all such contracts shall be signed by the county board chairman.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-363. - Contract changes.

(a) *Change orders and contract modifications.*

- (1) All change orders and contract modifications shall be in writing. When the total of change orders, contract modifications or price adjustments on any contract approved by resolution of \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) (\$50,000.00 for professional services) or more exceeds 20 percent of the original contract amount, approval of the using agency and the appropriate committee and the county board is required. It is the approval responsibility of the requesting department to obtain a resolution from the county board authorizing such price adjustment before such price adjustment shall be effective. Threshold is as defined in the most current Illinois Compiled Statutes for county competitive bids.
- (2) When a change order or series of change orders authorize or necessitate an increase or decrease in either the cost of a contract by a total of \$30,000.00 (\$35,000.00 for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services) (\$50,000.00 for professional services), or more, or the time of completion by a total of 30 calendar days or more, the department head or elected official shall make a determination in writing that:
- The circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, or
 - The change is germane to the original contract as signed, or
 - The change order is in the best interests of the county and authorized by law.
 - The written determination and the written change order resulting from that determination shall be retained in the contract file which shall be available to the public for inspection.

(3)

When any change order or series of change orders for any public works contract authorizes or necessitates any increase in the contract price that is 50 percent or more of the original contract price or that authorizes or necessitates any increase in the price of a subcontract under the contract that is 50 percent or more of the original subcontract price, then the portion of the contract that is covered by the change order must be resubmitted for bidding in the same manner for which the original contract was bid.

- (4) The foregoing paragraph does not apply to highway department contracts relating to the planning, design, construction and maintenance of highways, bridges, and culverts, so long as the change orders, in the aggregate, do not exceed the total dollar amount previously approved by resolution of the county board; however where a change order will result in the aggregate of all change orders exceeding the total dollar amount as previously approved by the county board, such change order shall be subject to the procedures contained in paragraph (1)—(3) above.
 - (5) The director of purchasing or designee retains the right to get county board approval to sign all change orders and to consent to contract assignments. All such change orders shall be approved in writing by the head of the requesting department before execution of the change order by the director of purchasing. No change order may exceed the threshold set for sealed bids and cannot exceed a county board approved resolution. Additionally, the county engineer is authorized to sign change orders for projects relating to planning, design, construction and maintenance of highways, bridges, and culverts.
- (b) *Contract term and renewal.* Unless otherwise provided by law, a contract for goods or services may be entered into for any specified period of time deemed to be in the best interests of the county, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. However, the total contract term for any contract, including the time periods by which the contract is extended due to renewal, shall not exceed two years, but may include an option to renew up to five years, unless a unique capital investment or other extenuating factors necessitate a longer contract period and it is approved by board resolution. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.

The following governs contract renewals:

- (1) All contracts that contain an optional renewal clause shall be presented for approval with the total dollar value for the initial period of award.
- (2) All requests for contract renewals shall originate from the using department in the form of a request indicating the desire for the renewal, the subsequent renewal term and the total dollar value for the renewal period.
- (3) The request shall be submitted at least 90 days prior to the expiration date of the current period.
- (4) The purchasing department or using department will obtain contractor approval and submit the necessary correspondence for approval.
- (5) All renewals shall be for the time period specified in the original contract document.

- (6) All contracts containing renewal clauses shall not be presented to the appropriate committee and county board that exceed a total term of five years unless approved in advance by the director of purchasing.
- (c) *Cancellation due to unavailability of funds in succeeding fiscal periods.* When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled and the vendor shall be informed in writing of the cancellation.

(Ord. No. 2023-CO-092, 11-9-23)

Sec. 2-364. - Surplus and obsolete supplies.

(a) *Disposal of surplus and obsolete supplies.*

- (1) All county departments shall submit to the director of purchasing and in such form as he/she shall prescribe, reports showing stocks of all supplies, materials and equipment which are no longer used or which have become obsolete, worn out or scrapped. The director of purchasing shall have the authority to transfer any such commodities which are unusable to another or other departments in lieu of filing requisitions for the purchase of new or additional stock of the same or similar materials.
- (2) The director of purchasing shall have the authority to sell all such supplies, materials and equipment which cannot be used by any department or which have been found not to be required for public use; or to exchange or trade-in such articles in part or full payment of new supplies, material or equipment of a similar nature.
- (3) The director of purchasing shall provide the county auditor a listing of all surplus supplies, materials and equipment transferred, sold or otherwise disposed of in accordance with this section.
- (4) The director of purchasing shall allocate net proceeds from the sale, lease, or disposal of surplus property back to the appropriate fund, with the assistance of the finance director.

(Ord. No. 2023-CO-092, 11-9-23)

Secs. 2-365—2-370. - Reserved.

DIVISION 4. - REVOLVING LOAN FUND LOAN REVIEW COMMITTEE

Sec. 2-371. - Creation.

A loan review committee for the county revolving loan fund is hereby created consisting of seven members appointed by the chairman of the county board, by and with the consent of the county board.

(Ord. No. 94-CO-31, § 1(A), 7-14-94)

Sec. 2-372. - Membership.

The loan review committee shall be comprised of three members from lending institutions in the county, two persons from small businesses, one person from a large business, and one member of the county board. For purposes of this division, a small business is defined as a firm employing less than 100 employees, and a large business is defined as a firm employing 100 or more employees.

(Ord. No. 94-CO-31, § 1(B), 7-14-94)

Sec. 2-373. - Terms of office.

(a) The members of the loan review committee shall serve for the following terms, or until their respective successors are appointed and confirmed by the county board:

- (1) One lending institution representative for a term of two years, one lending institution representative for a term of three years, and one lending institution representative for a term of four years;
- (2) One small business representative for a term of two years and one small business representative for a term of four years;
- (3) The large business representative for a term of three years; and
- (4) The county board member for a term of two years.

Thereafter, as terms expire, each appointment shall be for a period of four years, except that the county board representative shall be appointed for a two-year term.

(b) One member of the loan review committee shall be designated the chairman by the chairman of the county board with the consent of the county board. The chairman shall be so appointed for a two-year term or until a successor is appointed.

(Ord. No. 94-CO-31, § 1(B)(1)—(4), (C), 7-14-94)

Sec. 2-374. - Removal from office.

The chairman of the county board, with consent of the county board, shall have the power to remove any member of the loan review committee for any reason. Vacancies upon the loan review committee shall be filled for the unexpired term of the member whose place has become vacant in the same manner provided for the appointment of members.

(Ord. No. 94-CO-31, § 1(D), 7-14-94)

Sec. 2-375. - Meetings and rules.

All meetings of the loan review committee shall be held at the call of the chairman and at such other times as the committee may determine. The committee shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall also keep records of its actions.

(Ord. No. 94-CO-31, § 2, 7-14-94)

Sec. 2-376. - Compensation.

The members of the loan review committee shall serve without compensation.

(Ord. No. 94-CO-31, § 3, 7-14-94)

Sec. 2-377. - Duties and responsibilities.

The loan review committee is hereby vested with the following authority:

- (1) To review loan applications and make a determination on the feasibility of funding. An approval on a loan application by the loan review committee will result in the loan application being submitted to the economic development and environmental committee and to the county board for approval.
- (2) The loan review committee, in reviewing a loan application, shall consider the following:
 - a. The ability of the borrower to repay the loan and preserve the revolving loan fund capital for future financing activities.
 - b. The purposes of the revolving loan fund:
 1. The program will assist and support the retention of existing businesses and industrial firms;
 2. The program will foster the establishment of new business and industry; and
 3. The program will foster the retention of existing jobs, or will create new jobs.
 - c. To review loan applications consistent with the recapture statement and recapture fund adopted by the county board.

(Ord. No. 94-CO-31, § 4, 7-14-94)

Secs. 2-378—2-400. - Reserved.

ARTICLE VII. - LIABILITY CLAIM SETTLEMENT

Sec. 2-401. - Title.

This article shall be known, cited and referred to as the "Liability Claims Settlement Ordinance."

(Ord. No. 97-CO-66, § 1, 11-25-97)

Sec. 2-402. - Structure.

Liability claims asserted against the county, its officials and its employees shall be handled in the following manner:

- (1) All recommended settlements in excess of \$25,000.00 must be approved by the county board.
- (2) The county administrator, with the concurrence of the state's attorney or his designee, shall have the authority to settle liability claims in excess of \$10,000.00 and up to \$25,000.00 with the approval of the finance committee or its successor committee.
- (3) The county administrator shall have the authority, with the concurrence of the state's attorney or his designee, to settle all liability claims up to \$10,000.00. The administrator shall report to the finance committee or its successor committee, on a quarterly basis, the number and dollar amounts of any liability claims settled.

(Ord. No. 97-CO-66, § 2, 11-25-97; Ord. No. 99-CO-51, 8-12-99; Ord. No. 2021-CO-005, 2-11-21)

Sec. 2-403. - Procedure for submitting claims.

- (a) All claims must be submitted on forms which shall be prepared by the county administrator, such forms to include the following:
 - (1) A brief description of the time, place, cause and general nature of the injury or damage claimed;
 - (2) The amount of compensation demanded;
 - (3) The names and addresses of any witnesses to the occurrence in question or the injuries or damages claimed; and
 - (4) The name, address and telephone number of the claimant.
- (b) In addition to submitting the required form, a claimant shall also submit all documentation which supports the claim, including repair bills, repair estimates, medical bills, and photographs of the damage or injuries claimed.

(Ord. No. 97-CO-66, § 3, 11-25-97)

Sec. 2-404. - Claims review procedure.

- (a) Upon receipt of a properly executed claim form, the administrator and the committee, if applicable, shall review the claim. In the course of such review, the claimant may be notified, in writing, to appear before the administrator or the committee to discuss the claim, in which event the claimant shall be notified to bring along any witnesses to the incident and all documentation supporting the claim.
- (b) After reviewing the claim, the administrator or committee shall have the authority to settle any claim up to the limits provided in section 2-402, or to reject any claim which is determined not to be meritorious.

- (c) For all claims submitted, the county administrator shall notify the claimant of the decision on the claim in writing within 60 days after submittal of the claim. However, failure to so notify the claimant shall not affect a decision on a claim, nor shall it be the basis to provide a claimant an additional cause of action or remedy against the county.

(Ord. No. 97-CO-66, § 4, 11-25-97)

Secs. 2-405—2-500. - Reserved.

ARTICLE VIII. - ETHICS AND BUSINESS CONDUCT POLICY

Footnotes:

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Editor's note— Ord. No. 2012-CO-006, adopted Feb. 23, 2012, deleted the former Art. VIII, §§ 2-501—2-509, and enacted a new Art. VIII as set out herein. The former Art. VIII pertained to ethics and gift ban and derived from 2004-CO-39, adopted Apr. 22, 2004.

Sec. 2-501. - Title

This article shall be known, cited and referred to as the "Ethics and Business Conduct Ordinance/Policy"

(Ord. No. 2012-CO-006, 2-23-12)

Sec. 2-502. - Definitions.

As used in this article/policy:

Contribution has the same meaning as that term defined in Section 9-1.4 of the Election Code.

Employee means any full-time, part-time, and contractual employees, as well as appointed and elected officials of the county.

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

Leave of absence means any period during which an employee does not receive compensation for county employment, service credit towards IMRF pension benefits, and health insurance benefits paid for by the county.

Officer means an elected or appointed official; regardless of whether the official is compensated.

Political means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities relating to the support or opposition of any executive, legislative, or administrative action relating to collective bargaining; or that otherwise in furtherance of the person's official duties.

Working hours means any time worked by or credited to an employee that counts towards any minimum work time requirement imposed as a condition of employment but does not include any designated holidays or any period the employee is on a leave of absence. This includes compensatory time off which means any time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with the county.

(Ord. No. 2012-CO-006, 2-23-12)

Sec. 2-503. - Policy.

- (a) *Policy.* This policy affirms Winnebago County's commitment to the highest ethical standards, business conduct expectations and compliance with applicable laws and regulations. Winnebago County as an organization expects all employees, including those holding elected offices (which will be termed "employee" for the balance of this policy), to comply strictly with all laws and regulations which are applicable to its operations. In addition, they are to maintain the standards of the Ethics and Business Conduct stated in this policy; and to remain free of interests and relationships which may be potentially detrimental to the best interests of Winnebago County as an organization.
- (b) *Scope.* This policy shall be applied and enforced with respect to every employee of Winnebago County, including elected officials; and in every aspect of its operations.
- (c) *Employee obligations.* Each employee of Winnebago County is expected to familiarize themselves with this policy and standards of conduct and to review/attend the policy/training opportunities as they are instituted by the organization. Each employee is encouraged to report to management any violations to this Ethics and Business Conduct Policy through means as outlined in this policy. Each employee is expected to be fully familiar with the standard operating procedures, work rules, general orders, or policies applicable to their job responsibilities. Deviations or flagrant violations of those requirements (as determined by Winnebago County) will be viewed as ethical violations and subject to provisions of this policy. All relationships among employees must be based on the highest standards of ethical and legal conduct. Employees shall not use their position in the organization for a purpose that is, or gives the appearance of being motivated by, the desire for private gain for themselves or others. Employees should specifically avoid use of their positions to obtain services of any kind, with or without compensation, for themselves, their family or relatives or another with whom they have personal, business or financial ties.
- (d) *Management obligations.* Officials, managers and supervisors are expected to ensure that the employees under their reporting structure familiarize themselves with the requirements of this policy. This includes not only the review of the policy but the hands-on involvement through on-going interaction, to ensure that employees are aware of their obligations under this policy and the requirements of their positions.

Management staff are further required to review any/all reports by employees of an ethical violation or other violation of business conduct at Winnebago County and provide a copy of any/all reports to the human resources manager. Management staff will treat all such reports as confidential and assist in the investigation of the report

in question.

It is a violation of this policy for any management staff to retaliate against an employee for any good faith report of an ethics or business conduct violation.

(e) *Business practices.*

Our Employees

We are committed to fair employment practices and to following applicable employment laws throughout our organization. This includes complying with laws that prohibit improper employment discrimination.

Equal Opportunity

It is our policy to employ, train, promote and compensate individuals based on merit, job-related qualifications and abilities. Winnebago County is committed to providing equal opportunity in employment regardless of race, color, religion, national origin, sex, age, sexual orientation, marital status, handicap, disability or status as a veteran of military service or other factors identified in its Equal Employment Opportunity Policy (Policy # 62-2).

Diversity

We value the differences among our employees. Individual differences enrich the workplace and improve our ability to attract employees and work with our constituents and customers. A work environment which values individual differences and encourages the full contribution of every employee creates a stronger organization.

No Harassment

Any kind of unlawful harassment by or against our employees is prohibited. Prohibited conduct includes, but is not limited to, the making of unwelcome sexual advances or engaging in any other conduct with sexual overtones which interferes with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive work environment. Other types of harassment are also prohibited (see discrimination/harassment policy -Policy # 62-14).

Drug and Alcohol Free Workplace

Possession, use, sale or distribution or being under the influence of an illegal drug or illegal controlled substance in the workplace or while conducting business for the organization off premises is strictly prohibited. Illegal drugs and controlled substances have an adverse effect on employee performance, jeopardize the safety of co-workers, customers and constituents and constitute a risk to the business and interests of the organization. Alcohol use may have an adverse effect on performance and safety and poses a risk to the organization and its interests. An employee who reports to work under the influence of, or is unfit to work because of, the effects of alcohol or drugs is subject to disciplinary action, up to and including termination of employment. Refer to the Drug Free and Controlled Substance Policy for more information.

Environmental Protection, Health and Safety

Winnebago County is committed to be an environmentally responsible organization and to providing a safe and healthful workplace for its employees.

It will comply with all applicable environmental, health and safety laws and regulations in all facilities in which Winnebago County conducts business.

Conflicts of Interest

Winnebago County respects the rights of all employees to engage in personal activities outside of work. However, each employee has the responsibility to avoid activities which conflict or appear to conflict with our job responsibilities or the interests of Winnebago County. Any employee activity which may involve a conflict of interest or even the appearance of a conflict of interest must first be reviewed with and approved by the employee's Department Head.

The following are examples of conflicts of interest:

- Engaging in employment or any other activity that interferes with the employees ability to devote the required time and attention to their job responsibilities' with Winnebago County.
- Holding a significant financial interest in a current or prospective customer or supplier of Winnebago County, or serving as an employee, consultant or director of that business.
- Directing Winnebago County business to a supplier that is owned or managed by a relative of an employee of Winnebago County.
- Engaging in employment that is in direct conflict with the interests of Winnebago County.
- Directly supervising the job performance or determining the compensation of a relative.
- Improperly using the organization's confidential information or its assets for the employee's economic/personal benefit or for the economic or personal benefit of others.

Political Contributions and Activities

Financial contributions of Winnebago County funds, use of the organization's assets or facilities/equipment for the benefit of a political party or candidate are strictly prohibited.

Winnebago County encourages all employees to participate personally in the political process and to support political parties and candidates of their choice. However, engaging in political activities or the display or distribution of political information during working hours, or on Winnebago County property, is considered detrimental to work performance and is prohibited by this policy.

Gifts, Entertainment and Improper Payments

Unless properly approved in advance by the employee's department head, Winnebago County employees should not give or receive gifts, favors, personal discounts of more than normal value to or from entities with which the organization conducts business. The giving or receiving of financial items as listed above of a value of

\$50.00 U.S. or greater requires the approval of the Winnebago County Administrator. Any of these items which are not permitted or have not been approved per the policy should be declined or turned over to the Winnebago County Administrator. Gifts of a ceremonial, commemorative or business recognition nature may be accepted/given by management staff on behalf of Winnebago County, but must be reported to the Winnebago County Administrator.

The giving or receiving of reasonable and customary meals and entertainment in the normal course of business is permitted. Giving or receiving of lavish meals or inappropriate/illegal entertainment is prohibited.

Payment or acceptance of bribes, kickbacks or other improper payments while conducting Winnebago County business is prohibited. This prohibition applies to dealings with current or potential customers, suppliers, representatives, consultants or other business partners seeking to establish a relationship with Winnebago County.

Customers, Suppliers and Business Partners

Winnebago County has worked to build strong business relationships with our customers and suppliers based on lawful, honest business practices and the best interests of Winnebago County. We are committed to the pursuit of excellence in all of the services that we provide, and strive to meet or exceed our customers' expectations for quality, integrity, safety, and reliability.

When we contract for goods and services on behalf of Winnebago County, we will avoid doing anything that might compromise our objectivity or impair Winnebago County's reputation. Our purchasing decisions will always be based on appropriate business criteria such as price, quality, technical leadership, reliability and the reputation of the supplier and per the Winnebago County Purchasing Ordinance.

Winnebago County's business partners are an extension of our organization and are chosen and monitored carefully. When agents, representatives, consultants, contractors, and joint venture partners are engaged with Winnebago County in business matters, they are required to comply with applicable laws and to adhere to standards of business conduct consistent with the Winnebago County Ethics and Business Conduct Policy.

Personal Data Protection

It is Winnebago County's policy that we must take appropriate steps to protect information relating to individuals, whether they are employees, customers, constituents or suppliers. We are responsible for collecting, processing and transferring personal data only for lawful and legitimate business purposes. Care must be used to safeguard the confidentiality and security of personal data and to respect individual privacy. Winnebago County will utilize its legal counsel to ensure that the use and transmitting of personal data does not in any way violate laws governing this data.

- (f) *Education and awareness.* Winnebago County is committed to fostering a working environment where integrity is valued and forms the foundation for every decision. This environment includes a culture in which open and honest communication is expected and employees at all levels appreciate the importance of demonstrating highly ethical behavior.

The Winnebago County Ethics and Business Conduct Policy certification occurs annually. Employees certify once a year that they will adhere to the policy, which outlines the ethical business conduct required of employees in the performance of their county related responsibilities. Individuals certify that they will not engage in conduct or activity that may raise questions as to the organization's honesty, impartiality or reputation or otherwise cause embarrassment to the organization. Annual employee certification is mandatory for all employees of Winnebago County.

- (g) *Reporting violations/raising questions.* All Winnebago County employees are responsible to promptly report suspected or known violations of the Ethics and Business Conduct Policy, federal, state, or municipal laws or violations of other of the organization's policies. An employee may choose to make a report to the Winnebago County Board Chairman, county administrator, states attorney, human resources manager (see reporting information below), or department head. There will be no reprisals or retaliation against any employee for reporting in good faith a suspected or known violation. Additionally, reports cannot be accepted on an anonymous basis due to the necessity for investigatory input.

Concerns about accounting, internal accounting controls, auditing matters or other financial concerns may also be reported in writing to the Winnebago County Auditors Office.

Suspected concerns will be investigated by appropriate management staff and/or agencies. Where investigation reveals the need to take corrective action, changes to systems or in, practices and procedures will be implemented in addition to appropriate disciplinary/corrective measures.

Violations to the Ethics and Business Conduct Policy are subject to disciplinary action up to and including termination of employment. In many instances, a violation of this policy may also have legal ramifications, subjecting the employee to civil and/or criminal penalties, fines and other sanctions.

Written concerns should be directed to:

Winnebago County-Human Resources Department
404 Elm Street, Room 220
Rockford, IL 61101
Attention: Human Resources Manager

(Ord. No. 2012-CO-006, 2-23-12)

Secs. 2-504—2-520. - Reserved.

ARTICLE IX. - IDENTITY PROTECTION

DIVISION 1. - GENERALLY

Secs. 2-521—2-529. - Reserved.

DIVISION 2. - COLLECTION, USE AND COMMUNICATION OF INDIVIDUALS' SOCIAL SECURITY NUMBERS

Sec. 2-530. - [Compliance with state law.]

This policy is to comply with Public Act 096-0874 (179/1 et seq.) of the State of Illinois, cited as the Identity Protection Act.

(Ord. No. 2011-CO-51, Exh. A, 7-28-11)

Sec. 2-531. - Definitions.

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

Person means any individual in the employ of the County of Winnebago, Illinois ("County").

Publicly post or *publicly display* means to intentionally communicate or otherwise intentionally make available to the general public.

(Ord. No. 2011-CO-51, Exh. A(§ 1), 7-28-11)

Sec. 2-532. - Prohibited activities.

(a) No officer or employee of the county shall do any of the following:

- (1) Publicly post or publicly display in any manner an individual's Social Security number.
- (2) Print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity.
- (3) Require an individual to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- (4)

Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless state or federal law requires the Social Security number to be on the document to be mailed. Notwithstanding any provision in this section to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security number. A Social Security number that may permissibly be mailed under this section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

- (b) Except as otherwise provided in this policy, beginning August 1, 2011, no officer or employee of the county shall do any of the following:
 - (1) Collect, use, or disclose a Social Security number from an individual, unless (i) required to do so under state or federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the Social Security number is documented before collection of the Social Security number; and (iii) the Social Security number collected is relevant to the documented need and purpose.
 - (2) Require an individual to use his or her Social Security number to access an Internet website,
 - (3) Use the Social Security number for any purpose other than the purpose for which it was collected.
- (c) The prohibitions in subsection (b) do not apply in the following circumstances:
 - (1) The disclosure of social security numbers to agents, employees, contractors, or subcontractors of the county or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the county must first receive from the contractor or subcontractor a copy of the contractor's or subcontractors policy that sets forth how the requirements imposed under this policy on the county to protect an individual's social security number will be achieved.
 - (2) The disclosure of Social Security numbers pursuant to a court order, warrant, or subpoena.
 - (3) The collection, use, or disclosure of Social Security numbers in order to ensure the safety of: county employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the state; and all persons working in or visiting a county facility.
 - (4) The collection, use, or disclosure of Social Security numbers for internal verification or administrative purposes.
 - (5)

The collection or use of Social Security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.

- (d) Any standards of the county for the collection, use, or disclosure of Social Security numbers that are stricter than the standards under this policy with respect to the protection of those Social Security numbers, then, in the event of any conflict with the provisions of this policy, the stricter standards adopted by the county shall control.

(Ord. No. 2011-CO-51, Exh. A(§ 2), 7-28-11)

Sec. 2-533. - Public inspection and copying of documents.

Notwithstanding any other provision of this policy to the contrary, all officers and employees of the county must comply with the provisions of any other state law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's Social Security number. All officers and employees of the county must redact Social Security numbers from the information or documents before allowing the public inspection or copying of the information or documents.

(Ord. No. 2011-CO-51, Exh. A(§ 3), 7-28-11)

Sec. 2-534. - Applicability.

- (a) This policy does not apply to the collection, use, or disclosure of a Social Security number as required by state or federal law, rule, or regulation.
- (b) This policy does not apply to documents that are required to be open to the public under any state or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

(Ord. No. 2011-CO-51, Exh. A(§ 4), 7-28-11)

Sec. 2-535. - Compliance with federal law.

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the county shall follow that law.

(Ord. No. 2011-CO-51, Exh. A(§ 5), 7-28-11)

Sec. 2-536. - Embedded Social Security numbers.

Beginning August 1, 2011, no officer or employee of the county may encode or embed a Social Security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security number as required by this policy.

(Ord. No. 2011-CO-51, Exh. A(§ 6), 7-28-11)

Sec. 2-537. - Identity—Protection requirements.

- (a) All officers, employees and agents of the county identified as having access to Social Security numbers in the course of performing their duties to be trained to protect the confidentiality of Social Security numbers. Training shall include instructions on the proper handling of information that contains Social Security numbers from the time of collection through the destruction of the information.
- (b) Only employees who are required to use or handle information or documents that contain Social Security numbers have access to such information or documents.
- (c) Social Security numbers requested from an individual shall be provided in a manner that makes the Social Security number easily redacted if required to be released as part of a public records request.
- (d) When collecting a Social Security number or upon request by the individual, a statement of the purpose or purposes for which the county is collecting and using the Social Security number be provided.
- (e) A written copy of this privacy policy, and any amendment thereto, shall be filed with the county clerk within 30 days after approval of this policy or any amendment thereto.
- (f) The county shall advise its employees of the existence of the policy and make a copy of the policy available to each employee, and shall also make this privacy policy available to any member of the public, upon request. If the county amends this privacy policy, then the county shall also advise its employees of the existence of the amended policy and make a copy of the amended policy available to each employee.

(Ord. No. 2011-CO-51, Exh. A(§ 7), 7-28-11)

Sec. 2-538. - Violation.

Any person who intentionally violates the prohibitions in Section 10 of the identity Protection Act (section 2-532 of this policy) is guilty of a Class B misdemeanor.

(Ord. No. 2011-CO-51, Exh. A(§ 8), 7-28-11)

Sec. 2-539. - Severability and other laws.

This policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of Social Security numbers.

(Ord. No. 2011-CO-51, Exh. A(§ 9), 7-28-11)

County Board Meeting
December 5, 2024

**ORDINANCE
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS
2024 CO 081**

SPONSORED BY: PAUL ARENA AND JAIME SALGADO

ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 3 AND 4
OF THE WINNEBAGO COUNTY CODE RELATING TO THE RULES OF
ORDER AND PROCEDURE OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

WHEREAS, the County Board of the County of Winnebago, Illinois, desires to amend their Rules of Order and Procedure, as currently contained in Divisions 3 and 4 of Chapter 2, Article II, of the Winnebago County Code of Ordinances.

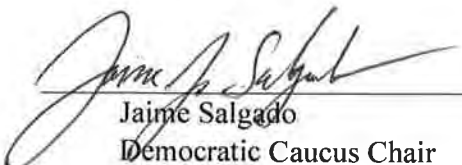
NOW, THEREFORE, BE IT ORDAINED, by the County Board of the County of Winnebago, Illinois, that Divisions 3 and 4 of Chapter 2, Article II, of the Winnebago County Code of Ordinances are repealed in their entirety and are hereby replaced with Divisions 3 and 4 as set forth in Exhibit A, which is attached to this Ordinance.


BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect immediately upon signing.

BE IT FURTHER ORDAINED, that the Clerk of the County Board shall provide a certified copy of this Ordinance upon its adoption to the County Board Chairman and the Chairs of the Republican and Democratic caucuses and shall direct that the Department of Information Technology take appropriate action to revise the Code of Ordinances on the County Website so as to be consistent with the terms of this Ordinance.


Respectfully submitted,

CAUCUS CHAIRS


Jaime Salgado
Democratic Caucus Chair


Paul Arena
Republican Caucus Chair

APPROVED this 5~~th~~ day of December, 2024 by the County Board
of the County of Winnebago, Illinois.


Joseph V. Chiarelli
Chairman of the County Board
of the County of Winnebago, Illinois

Attested by:

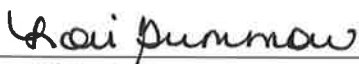

Lori Gummow
Clerk of the County Board
of the County of Winnebago, Illinois

EXHIBIT A

DIVISION 3. - RULES OF ORDER

Sec. 2-61. - Order of agenda.

The regular order in which business shall be considered by the county board at all regularly scheduled meetings of the board is as follows:

- (1) Call to order.
- (2) Invocation and pledge of allegiance.
- (3) Agenda announcements.
- (4) Roll call.
- (5) Awards, presentations, public hearings, and public participation.
- (6) Approval of minutes.
- (7) Consent agenda. (To include raffle report, auditor's report—approval of bills, administrator report—leaves of absences, and other administrative reports).
- (8) Appointments
- (9) Reports of standing committees.
- (10) Untinished business.
- (11) New business.
- (12) Announcements and communications.
- (13) Adjournment—Next meeting.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-62. - Power of chair.

The county board chairman shall preserve order and decorum and shall determine all questions of order. Rulings of the chair on all matters of order and decorum shall be

conclusive unless appealed to the board by one member and seconded by another member. If the ruling of the chair is appealed and seconded, the chair shall submit the ruling to a vote of the board putting the question in the affirmative. A majority vote sustains the ruling of the chair. The county board chairman shall have the authority to issue an amended agenda when he is contacted by a committee chair ~~man~~ or otherwise determines that an item on the agenda is to be laid over.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-63. - Recognition by chair.

Each member, prior to speaking, shall be recognized by the chair. When two or more members request recognition, the chair shall designate the member to speak first, pursuant to the following:

- (1) Upon being recognized by the chair, the member recognized shall acknowledge the recognition by the chair before beginning his or her comments.
- (2) If the member who made the motion claims the floor and has not already spoken on the question, he/she is entitled to be recognized in preference to other members.
- (3) If the member who has seconded the motion claims the floor and has not already spoken on the question, he/she shall be recognized in preference to all other members except the movant.
- (4) No one is entitled to the floor a second time in debate on the same motion on the same day if any other member who has not spoken on the motion seeks the floor.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-64. - Actions on resolutions and ordinances.

- (a) All resolutions and ordinances submitted by a member under new business, except actions or communications of courtesy, shall be referred without debate to the appropriate committee for consideration and recommendation. When the board is required by law or ordinance to conduct a hearing or to make specific findings of fact, the appropriate board committee shall, when permitted by law and ordered by the county board chairman, perform such function and thereafter promptly make a written report of its findings and recommendations to the board for its consideration and action.

(b) All resolutions and ordinances shall be prepared on 8.5 × 11 paper.

(c) After presentation to the board, each ordinance and grant application, except ordinances authorizing the issuance of bonds and other debt financing, shall lay over until the next regular meeting of the board for debate and action. This rule may be waived in the manner provided in section 2-68, except for those matters which are required to be laid over pursuant to state or federal law or local ordinances.

(d) Prior to presentation of the annual budget to the board for layover, the draft budget shall be made available to the public on the county website and in the county clerk's office and a public hearing shall be held at a committee of the whole meeting to allow for comments by the public regarding the budget. Comments may be submitted in writing prior to the hearing or orally at the hearing, subject to the limitations set forth in section 2-85(e), except that the number of speakers will not be limited. The annual county budget shall lay over after the first reading for at least 15 days.

(e) Any item to be voted on shall be sponsored by the county board chairman or a sitting county board member.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-65. - Limitation of debate.

(a) No member shall speak a total of more than twice on the same question, unless permitted to do so by the chair.

(b) No member shall speak longer than three minutes upon recognition, unless permitted to do so by the chair. Any member called to order shall immediately cease speaking.

(c) Non-members may address the board if written request is submitted to the county board office by 5:00 p.m. on the Tuesday prior to the upcoming county board meeting for which recognition is sought. The written request must identify the name of the speaker, specify the subject matter the speaker will address, and indicate the speaker's interest in the subject. This information shall be included on the county board agenda. Comments shall be limited to three minutes. Speakers may not address zoning matters which are pending before the ZBA, zoning committee or the county board. Personnel matters or pending or threatened litigation may not be addressed in open session. An individual may speak a maximum of three times per calendar year on the same topic. This prohibition shall include the repetition of the same topic in a

statement on what is purported to be a different topic. Personal attacks or inappropriate language of any sort will not be tolerated.

(d) A maximum of 21 minutes shall be allowed for non-members to speak at each meeting. If a particular item is deemed by the chair to be controversial, the chair shall strive to allow all sides an equal amount of time within which to speak at each meeting, subject to the 21 minute time limit. The chair shall determine the sequential order in which non-members will be allowed to address the board.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-066, 9-29-22; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-66. - Motions.

(a) No motion shall be debated or voted upon unless it shall have been previously seconded. When seconded and prior to debate, the motion shall be clearly stated by the chair and shall be reduced to writing if requested by the chair or a board member.

(b) After a motion has been stated by the chair, it shall be deemed to be in possession by the board.

(c) A motion to "reconsider" a question may be made only at the meeting at which the vote was taken by a member who voted on the prevailing side. Reconsideration requires an affirmative vote of a majority of the members present, regardless of the vote necessary to adopt the question reconsidered. If adopted, reconsideration places the original question before the board in the exact position it occupied before being voted upon. No question may be twice reconsidered.

(d) A motion to recess or adjourn is not debatable and requires the approval of a majority of the members present for adoption.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-67. - Roll call votes.

(a) All votes shall be recorded. This rule may not be suspended. A roll call vote of the members shall be taken on all proposed ordinances and the appropriation or allocation of funds, whether by ordinance or resolution. However, the county board chairman may inquire whether any member opposes the question. If no more than two members indicate their opposition,

the **county board** chairman may order the clerk to note for the record the names of the members in opposition and to enter the approval of all the other board members present on the record.

(b) Any member on any question may call for a roll call vote.

(c) Roll call votes shall be called in progressive alphabetical order. Each roll call vote shall commence with the second name called on the previous roll call vote.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-68. - Suspension of rules of order or procedure.

~~(a) Any rule of order or procedure, unless otherwise specified by the rules or required by statute, may be temporarily suspended at any meeting of the board by an affirmative vote of a three-fifths of the members present.~~

Unless otherwise specified by these rules or required by statute, any specific rule of order or procedure of the board, may be temporarily suspended at any meeting of the board by an affirmative vote of a majority of the members present. However, any suspension of a parliamentary rule of order requires an affirmative vote of three-fifths of the members present.

(b) Zoning matters coming before the board from the zoning committee for vote must lay over to the next board meeting after they are introduced before being voted on, and this rule may not be suspended to provide for a vote of the board at the same meeting in which the zoning matter is introduced by the zoning committee unless by unanimous vote of all board members present to so suspend this rule.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-69. - Quorum; majority vote.

A majority of the members shall constitute a quorum for the transaction of business; and all questions which shall arise at a meeting shall be determined by the votes of the majority of the members present and voting, except as otherwise provided by law or ordinance.

For the purposes of only to constitute a quorum, a committee chair may, at their discretion, assign a county board member who is of the same political affiliation of an absent county board member to participate in the discussion,

deliberations and vote on any matter on the agenda for any committee of the county board.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-70. - Abstention.

(a) Each member present shall vote on each question put to a vote, unless excused from such vote as provided herein.

(b) The county board chairman shall not vote except to break a tie.

(c) Members shall be excused from a vote due to a conflict of interest as defined in 50 ILCS 105/3 et seq. A conflict of interest to require abstention must involve a direct personal or financial interest in the issue being voted upon. A member shall state their desire to abstain prior to the final vote being taken.

(d) The county board chairman, after consultation with the board's legal counsel, shall have the power to excuse a member from voting for a conflict of interest even though not prohibited by 50 ILCS 105/3 et seq.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-71. - Robert's Rules of Order to govern.

Parliamentary rules contained in the current edition of "Robert's Rules of Order," newly revised, shall govern the county board and its committees in all cases applicable, except where such rules are inconsistent with these rules of order or procedure, Illinois law, or other specific county ordinance.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-72. - Awards, proclamations and presentations.

(a) *Awards or proclamations.* All proclamations or awards shall be presented by the county board chairman, or his or her designee. At the county board chairman's discretion, the presentation shall take place at the county board office or at the recipient's location. The presentation will be documented and recorded by the county's communication director, the county board chairman's assistant, or designee. This subsection shall not apply to proclamations or awards that are related to first responders, military and law enforcement, for

actions, services, or in memorialization of individuals, or certain events, or for recognition of county youth or school groups for scholastic and/or sports related outstanding achievements.

(b) *Presentations.* All presentations to county board members during a county board meeting shall be permitted at the discretion of the county board chairman and be limited to units of government, which includes all county departments and limited to one presentation at each meeting. All other presentations shall be permitted at the discretion of the party caucus chairs at a time and place determined by the party caucus chairs.

(Ord. No. 2022-CO-066, 9-29-22; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Secs. 2-73—2-80. - Reserved.

DIVISION 4. - RULES OF PROCEDURE

Sec. 2-81. - Presiding officer.

The county board chairman shall act as the presiding officer at county board meetings. If the county board chairman is unable to attend a regular or special meeting of the county board, the majority caucus leader shall act as the presiding officer in his or her absence. If the majority caucus leader is unable to attend the meeting, the minority caucus leader shall act as the presiding officer. If both caucus leaders are unable to attend the meeting, the county clerk shall convene the meeting, and the county board shall choose a member by majority vote to preside as chair ~~man~~ pro tem.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-067, 9-29-22; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-82. - Amendment of rules of order and procedure.

At the first meeting of the board held in the month of December in the even-numbered years, the board may adopt, amend, or rescind the rules of order and procedure or the organizational structure of the county board. The rules of order and rules of procedure or the organizational structure of the county board may be amended at any regular meeting of the county board by the affirmative vote of a majority ~~three-fifths~~ of the members present.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-83. - Selection of committee chairs ~~men~~ and members.

(a) The following shall be the standing committees of the county board:

- (1) Finance committee.
- (2) Public safety and judiciary committee.
- (3) Public works committee.
- (4) Zoning committee.
- (5) Economic development committee.
- (6) Operations and administrative committee.
- (7) Legislative and lobbying committee.

(b) The caucus chairs ~~men~~ of the majority and minority parties of the newly elected county board shall recommend to the county board for its advice and consent, the appointment of the chairs ~~man~~, and members of all standing committees at the first meeting of the board held in the month of December, of each even numbered year.

(c) Where possible, each committee shall reflect a cross section of the board.

(d) Vice-chairs ~~men~~ of all standing committees shall be established by the committee chair ~~man~~. ~~Each vice-chairman shall represent an alternative party to the committee chairman.~~

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-84. - Committees called by the chair.

(a) The chairman of the county board shall appoint such committees called by the committee chair as may be necessary.

(b) Committees called by the chair shall report to the county board as necessary.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-85. - Responsibilities of committee chairs ~~men~~ and vice-chairs ~~men~~.

(a) The committee chair ~~man~~ shall submit an agenda at the time of public notice; items on the agenda may be acted upon at the discretion of the committee. The agenda for legislative and lobbying committee shall be established by mutual agreement of the committee chair ~~man~~ and the county board chairman.

(b) Meetings shall be called by the committee chair ~~man~~ and shall be scheduled during non-county board meeting weeks, except for the zoning committee and if a meeting is required to address an emergency. The county board office shall, by no later than 9:00 a.m. on the Friday preceding a committee meeting, submit items for the committee agenda. The committee chair ~~man~~ shall amend the proposed agenda as necessary and return a final approved version to the county board office by no later than noon of that day.

(c) The text of any resolution, ordinance or budget amendment, along with a redlined copy of any changes to existing legislation, agreements or documents, if applicable, along with a summary explaining the purpose for the resolution or ordinance, must be posted on the county website and distributed to the members of the committee by 5:00 p.m. on the Friday of the week prior to the committee meeting.

(d) The committee chair ~~man~~ may, on his own motion, lay over any matter before the committee to the next meeting of the committee.

(e) Members of the public who wish to address a committee shall sign up on a sheet provided at the committee meeting. The speaker shall provide his or her name and the subject to be discussed before the committee. A maximum of five speakers shall be permitted to address the committee on a first come basis. Comments shall be limited to three minutes. Speakers may not address zoning matters which are pending before the ZBA, zoning committee or the county board. Personnel matters or pending or threatened litigation may not be addressed in open session. An individual may speak a maximum of three times per calendar year on the same topic. This prohibition shall include the repetition of the same topic in a statement on what is purported to be a different topic. Personal attacks or inappropriate language of any sort will not be tolerated.

(f) Matters before a committee shall be presented by the sponsoring board member. The sponsoring board member or committee chair ~~man~~ may request input from non-board members in response to questions posed on the proposed matter by board members. Board members who are not committee members may be permitted to ask questions regarding a matter before the committee after all committee members have had an opportunity to speak and with the consent of the committee members.

(g) Each committee shall make a report to the county board of any matters voted on by the committee. The committee report shall be presented to the county board by the chair ~~man~~ or vice-chair ~~man~~ of the committee, or by any other member of the committee designated by the chair ~~man~~. If a committee report recommends that the county board adopt or pass an ordinance, resolution or other matter, that ordinance, resolution or other matter may be taken up and acted upon after its presentation, subject to deferral by appropriate action. All zoning petitions from the zoning committee shall be taken up and acted upon, even if the committee did not recommend adoption or approval. For all other matters, if a committee report recommends that the county board not adopt or pass an ordinance, resolution or other matter, then at the time such report is presented, or at the next meeting if the county board has deferred action on such report, such ordinance, resolution or other matter shall be automatically tabled and may not be further considered, unless a member of the county board moves to disapprove the committee report and such motion is adopted by the affirmative vote of a majority of the county board members present. If the motion to disapprove receives a majority vote, the ordinance, resolution or other matter shall be before the county board.

(h) The committee chair ~~man~~ shall appoint such sub-committees and sub-committee chair ~~man~~ as may be necessary to carry out the work assigned to or undertaken by the committee.

(i) The committee vice-chair ~~man~~ shall assume all responsibilities of the committee chair ~~man~~ in the event of the absence or inability to act of the committee chair ~~man~~.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-86. - Record keeping and communications.

(a) Ordinances and resolutions adopted by the county board shall be numbered consecutively by the clerk of the board in the order of their passage. Each document number shall be made up of a prefix containing the last two digits of the year of its adoption (e.g., 12 to represent 2012) followed by a two-letter code designating the type of action (e.g. CR to represent County Resolution, and CO to represent County Ordinance) followed by the consecutive numbers assigned by the clerk (e.g., 01, 02, 03, etc.).

(b) The clerk of the board shall deliver to the county auditor, county clerk, county treasurer, and county board chairman's office certified copies of all documents adopted by the board which affect the appropriation, levy, or expenditure of any county funds. When directed by the county board or its chairman, the clerk of the board shall also distribute to the designated persons

or entities certified copies of any other document reflecting actions of the board.

(c) All letters, petitions, and correspondence addressed or directed to the county board or its chairman or which relate to the business of the county board received by the county clerk as clerk of the board, shall be immediately delivered by said clerk to the office of the chairman. The **county board** chairman at the next regular board meeting shall report the receipt of such materials to members under "announcements and communications" and may read such material to the board. Correspondence should be available in the county board office for at least 30 days. Urgent matters shall be delivered by the **county board** chairman forth-with to the appropriate committee, and the **county board** chairman shall advise the board members of such referral at the next regular board meeting.

(d) The **county board** chairman ~~of the board~~ shall prepare and mail to the members and principal members of the news media, an agenda for each county board meeting. The agenda shall be placed in the mail by 3:00 p.m. the Friday prior to the next board meeting. The **county board** chairman prior to the call of the roll shall announce all changes in the agenda.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-87. - Appointments to fill vacancies of elected positions.

In case of death, resignation, or legal inability to hold elective office, the county board chairman, with advice and consent of the county board, shall select a person qualified under state statute to serve as the interim as provided by law.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-88. - Appointments to commissions, boards, authorities, or special districts.

(a) The **county** board chairman shall make all appointments to commissions, boards, authorities, or special districts with the advice and consent of the county board, or as otherwise provided by law.

(b) The **county** board chairman shall submit to the members a listing of the recommended appointees on the agenda of a regular board meeting for the advice and consent of the board. All appointments shall lay over until the second board meeting after they are first introduced.

(c) The county board chairman shall present a list of all county board appointees serving on commissions, boards, authorities, or special districts to board members within 30 days after the beginning of each board term. This list shall indicate the month and year of appointment, term of office, and compensation.

(d) Appointments to fill vacancies on commissions, boards, authorities, or special districts shall be filled in the same manner as provided above and shall be for the balance of the unexpired term.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2017-CO-035, 3-9-17; Ord. No. 2018-036, 12-4-18; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22; Ord. No. 2024-CO-040, 6-27-24)

Sec. 2-89. - Appointment of department heads.

Appointments or re-appointments of department heads shall be made according to the County Code of Ordinances or as required by state statute. Any position not specifically mentioned in the county code of ordinances or in state statute shall be appointed or re-appointed upon recommendation of the county administrator with the advice and consent of the county board.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2018-036, 12-4-18; Ord. No. 2019-CO-075, 8-22-19; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-90. - Closed sessions.

Closed sessions may be held in accordance with "The Open Meetings Act," 5 ILCS 120/1 et seq.

(Res. No. 96-CR-253, 12-2-96; Ord. No. 2020-CO-085, Exh. A, 12-7-20; Ord. No. 2022-CO-098, Exh. A, 12-8-22)

Sec. 2-91. - Attendance by other means (video or audio conference).

(a) In accordance with the Illinois Open Meetings Act (5 ILCS 120/1 et. seq.), a county board member may attend regular or special meetings for all public bodies of the county board by other means (video or audio conference) if the member is prevented from physically attending because of:

(1) Personal illness or disability;

(2) Employment purposes or the business of the public body; or

(3) A family or other emergency.

(b) A member wishing to attend a regular or special meeting by other means must notify the clerk of the county board and county board office at least seven days before the meeting, unless advance notice is impractical.

(c) After a roll call vote establishing that a quorum is physically present, any member physically present may make a motion to permit another member to participate by other means. Such motion shall include the reason for the absence.

(d) All members physically present are permitted to vote on whether such participation will be allowed and the motion must be approved by a vote of a majority of those members physically present.

(e) A member attending by other means shall be considered present at the meeting and entitled to discuss and vote on any matter before the public body, as if the member were physically present at the meeting. The meeting minutes shall reflect if a member is attending by other means.

(f) A member shall maintain proper decorum as if the member were physically present at the meeting and comply with all county board rules and procedures previously adopted and adhered to.

(g) The member attending by other means and all members physically present must be able to communicate effectively, and members of the public must be able to hear all discussion, testimony and votes.

(h) The chairman may terminate attendance by other means in the event conditions of (f) and (g) are not met.

(i) No more than two members may attend a meeting by other means without being physically present at the meeting location. Attendance by other means shall be limited to four times in a calendar year. However, committee chairs ~~persons~~ shall have discretion to permit attendance by other means in excess of four meetings.

(j) Attendance by other means by any member is prohibited for closed sessions.

(Ord. No. 2022-CO-102, 12-22-22)

Sec. 2-92. - Seating positions for county board meetings.

The caucus leader of the majority party shall establish the seating positions of board members for county board meetings.

(Ord. No. 2022-CO-102, 12-22-22)

Secs. 2-93—2-110. - Reserved.

⑤

COMMITTEE: _____

SUBJECT: Ord. Amerd. Ch. 2, Art. II, Div. 3 p 4

	AYES	NAYES	PRESENT	ABSENT	ABSTAINED
1. ARENA, PAUL M.	✓				
2. BOOKER, AARON	✓				
3. BUTITTA, JOHN	✓				
4. FELLARS, ANGELA	✓				
5. GORAL, ANGIE	✓				
6. HANSERD, VALERIE	✓				
7. HOFFMAN, JOE C.	✓				
8. LINDMARK, BRAD	✓				
9. MCCARTHY, KEVIN	✓				
10. MCDONALD, KEITH	✓				
11. NABORS, TIMOTHY	-			✓	
12. PENNEY, JOHN	✓				
13. SALGADO, JAIME J.	✓				
14. SCROL, CHRISTOPHER	-			✓	
15. SWEENEY, JOHN F.	✓				
16. TASSONI, DAVE	✓				
17. THOMPSON, MICHAEL J.	✓				
18. THOMPSON, RAY	✓				
19. VALDEZ, CHRISTINA	✓				
20. WEBSTER, JIM	✓				
TOTALS <i>Unanimous vote</i>	18			2	



Ordinance Executive Summary

Prepared By: Winnebago County State's Attorney's Office

Committee: Operations & Administrative Committee

Committee Date: March 20, 2025

Board Meeting Date: April 10, 2025

Resolution Title: An Ordinance Amending Chapter 2, Article VI, Division 3 of the Winnebago County Code of Ordinances (Purchasing Ordinance)

County Code: Chapter 2, Article VI, Division 3

Budget Information:

Was item budgeted? N/A	Appropriation Amount: \$0
If not, explain funding source:	
ORG/OBJ/Project Code:	
FY2025 Budget Impact:	

Background Information: Due to a recent change in the state statute effective January 1, 2025, Winnebago County needs to amend the Purchasing Ordinance. Those changes refer to state statute, 55 ILCS 5/5-1022, in relation to elected county officials having internal control over their offices, including purchases of equipment and professional services.

Originally, some elected county officials were exempt from the competitive bidding statute and County Purchasing Ordinance. With this new amendment, those offices would be required to follow the competitive bidding statute and Purchasing Ordinance. Those offices include: Auditor, County Clerk, Recorder, State's Attorney, Treasurer. The Coroner and Sheriff were only subject to the competitive bidding statute and the Purchasing Ordinance when purchasing equipment. However, now all of the above offices will be subject to the statute and the Purchasing Ordinance.

Lastly, if the offices under new Section 2-327(a)(2)(a) of the Purchasing Ordinance [Courts, Public Defender, ROE and Circuit Clerk] chooses to make any purchase with the assistance of the Purchasing Department, they'll be required to comply with the Purchasing Ordinance. See attached amended ordinance for your review.

Recommendation: States Attorney's Office and County Administration recommends approval

Contract/Agreement: N/A

Legal Review: Yes.

Follow-Up: N/A

**ORDINANCE
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS
2025 CO 025**

SUBMITTED BY: OPERATIONS AND ADMINISTRATIVE COMMITTEE

SPONSORED BY: KEITH MCDONALD

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3
OF THE WINNEBAGO COUNTY CODE OF ORDINANCES
(PURCHASING ORDINANCE)**

WHEREAS, Chapter 2 of the Winnebago County Code of Ordinances, Article VI, Division 3, sets forth various criteria for Centralized Purchasing (hereinafter “the Purchasing Ordinance”); and

WHEREAS, the General Assembly recently passed legislation which amended the Counties Code in regard to the applicability of competitive bidding requirements; and

WHEREAS, specifically, Public Act 103-865, effective January 1, 2025, amended the competitive bidding statute [55 ILCS 5/5-1022] of the Counties Code, by inserting language that makes clear that elected officials, including those who have internal control over their respective offices, must adhere to the competitive bidding statute; and

WHEREAS, the Purchasing Ordinance conflicts with the new amendatory language; and

WHEREAS, since the amendment to 55 ILCS 5/5-1022 specifies that elected officials, including those who have internal control over their respective offices, must adhere to the state competitive bidding statute, the Winnebago County Board finds that it is in the best interests of the County to amend its Purchasing Ordinance so that it applies in equal measure to said elected officials; and

WHEREAS, the County Board finds that amending its Purchasing Ordinance to include the County’s elected officials, including those who have internal control over their respective offices, is consistent with the goal of fiscal accountability to the public and will mitigate against the risk of any potential inadvertent violation of the competitive bidding statute; and

WHEREAS, the County Board does not intend for the scope of its Purchasing Ordinance to include the following offices, subject to further consideration and potential modification—Courts, Public Defender, Clerk of Circuit Court, and Regional Office of Education—except in such situations wherein one of the aforementioned offices elects to utilize the County’s purchasing department to facilitate a particular purchase, in which event said office shall be bound to comply with the Purchasing Ordinance; and

WHEREAS, while unrelated to the amendment in Public Act 103-865, it has been noted that additional language in Section 2-327(a)(2) should be modified to clarify that if any section of the Ordinance conflicts with state or federal law or regulation, then the state or federal law or regulation shall prevail; and

WHEREAS, while also unrelated to the amendment in Public Act 103-865, it has been noted that additional language in Section 2-327(a)(2) should be added to clarify that the Ordinance does not apply to the procurement of legal services; and

WHEREAS, the County Board wishes to amend Section 2-327 (a)(2), Section 2-327(a)(2)(a-c), and Section 2-359(e) of Chapter 2, Article VI, Division 3 of the Winnebago County Code of Ordinances for the aforementioned reasons.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of the County of Winnebago, Illinois, that Chapter 2, Article VI, Division 3, Section 2-327(a)(2), Section 2-327(a)(2)(a-c), & Section 2-359(e) of the Winnebago County Code of Ordinances be amended as follows:

DIVISION 3. - CENTRALIZED PURCHASING SYSTEM

Sec. 2-326.- Short title.

This division may be cited as the "Purchasing Ordinance of Winnebago County."

Sec. 2-327. - General provisions.

(a) Policies and procedures.

- (1) Purpose.* The underlying purpose and policies of this division are to manage the procurement process in accordance with state statutes and federal rules and regulations; spend taxpayer money wisely and fairly; encourage fair and equitable treatment through broad-based competition; protect against fraud, favoritism, extravagance and corruption; obtain the best commodities and services at the lowest price practicable; make purchases which are in the best interest of the county; provide safeguards for the maintenance of a procurement system of quality and integrity; and meet the needs of the County of Winnebago, Illinois through continuous improvement of purchasing systems and procedures. To the extent permitted by law, the county will promote economic development by encouraging the participation of Winnebago County businesses, by providing equal opportunity for minority and women-owned businesses, and for veterans, and by applying environmentally sound practices in the procurement process.
- (2) Applicability.* The purchasing ordinance is applicable to the procurement of materials, services, supplies, equipment, construction, construction related services and professional services, except for the procurement of legal services, or other certain professional services that are defined in section 2-357, or as specified below. These provisions shall apply to all expenditures of public funds by the County and its elected officials for purchasing regardless of its source, except where in conflict with federal or state law or regulation, in which event said federal or state law or regulation shall prevail. Procurements involving federal or state assistance will be conducted in

accordance with any applicable mandatory state and/or federal law, rules or regulation or grant.

a. The following offices are not subject to this purchasing ordinance.

1. Courts.
2. Public defender.
3. Regional office of education.
4. Clerk of circuit court.

Irrespective of the foregoing exemptions, if an elected official or county agency listed in this Section 2-327(a)(2)(a) who is not otherwise required to comply with this Chapter chooses to make any purchase with the assistance of the Purchasing Department, this Purchasing Ordinance shall apply.

- d. The county engineer shall be required to procure services, materials and equipment for road and bridge construction, maintenance, engineering, land acquisition and such other technical supplies, services and engineering equipment necessary to meet the operational obligations of the county engineer, as set forth in the Illinois Compiled Statutes.
- e. Nothing in this division shall prevent any county department from complying with the terms and conditions of any grant, gift, bequest, or cooperative purchasing agreement that is otherwise consistent with law and this policy.
- f. Purchasing records required under this Section shall be maintained by any county department to which procurement authority has been delegated and a copy of all such records, as appropriate, shall be provided to the purchasing department upon request.

(3) *Public access to procurement information.* Procurement information shall be a public record as defined by the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

(4) *Requirement of good faith.* This division requires all parties involved in the negotiation, performance, or administration of county contracts to act in good faith.

(5) *Property rights.* Receipt of an invitation for bid (IFB), request for proposal (RFP) or other procurement document or submission of any response thereto, or other offer, confers no right to receive an award or contract, nor does it obligate the county in any manner.

(6) *Singular-plural gender rules.* Words in the singular number include the plural, and those in the plural include the singular. Words of a particular gender include any gender and the neuter, and when the sense so indicates, words of the neuter gender may refer to any gender.

Sec. 2-334. - Purchasing department duties.

The purchasing department shall work cooperatively with all departments and elected officials in making determinations relative to the purchase of goods and supplies, equipment, services, construction, and professional services. In accordance with this division and subject to

the direction of the County of Winnebago Board, the county board chairman, and the county administrator, and applicable provisions of state law, the purchasing department shall:

- (1) Procure or supervise the purchasing of materials, services, supplies, equipment, construction, construction related services and professional services required by the county with the exception of policies as determined by IDOT for the highway department.
- (2) Be forwarded suggested specifications for goods and supplies, equipment, services, construction, and professional services from county departments. The purchasing department shall finalize, issue, revise, maintain, and monitor the use of specifications required by the county except for specifications for any public work involving professional engineering shall be prepared by a professional engineer.
- (3) Obtain specifications for construction and maintenance of highways, bridges and culverts, which shall be prepared by the county engineer. All specifications, including those prepared for the county by architects, engineers, designers and draftsmen, shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the county's needs, and shall not be unduly restrictive.
- (4) Execute contracts and purchase orders solicited through open competition for materials, equipment, services, supplies, construction, and construction related services and professional services required by the county.
- (5) Establish and maintain procedures for contract execution and administration, specification development, inspection and acceptance, in cooperation with the county departments using the materials, supplies, services, equipment, construction, construction related services and professional services.
- (6) Make written determinations as required by this division, specifying the facts supporting the determination, for retention in the permanent contract file.
- (7) Obtain expert advice and assistance from personnel of county departments in development of specifications.
- (8) Exercise supervision over inventories of goods belonging to the county.
- (9) Sell, trade, transfer, or otherwise dispose of surplus county property and equipment.
- (10) Review county departments' evaluation of their vendor's performance in order to determine potential suitability for future use by the county.

Sec. 2-336. - Procedural rules and regulations.

- (a) *Purchasing regulation and operational procedures.* Consistent with this division, in conjunction with the approval of the county board chairman and the county administrator, the director of purchasing may adopt operational procedures, which relate to the execution of his/her duties. All such operational procedures shall be made available for public inspection.

As a matter of accounting procedure to ensure the county has accurate real time accounting records, department heads are required to use the purchasing module of the county's finance system for requisitioning materials, supplies, equipment, services, construction, construction related services and professional services, in order for the purchasing department to issue purchase orders for these transactions.

- (b) *Purchasing determinations.* The director of purchasing shall work cooperatively with all departments and elected officials in making determinations relative to the purchase of good and services, equipment, services, construction and professional services. No department, office, agency, officer or employee of the county shall be empowered to execute any purchase order, change order, agreement or contract except as authorized by this ordinance.
- (c) *Specific delegation—Highway department.* The procurements as set forth below by the county's highway department need not be processed by the director of purchasing, however the highway department shall be subject to the requirements of this division and the regulations promulgated hereunder in making these procurements. However, federal, state, and IDOT procedures/requirements, and the Winnebago County Highway Department Policy for the Consultant Qualification Based Selection (QBS) Process shall have preeminence. Road and bridge construction, construction related services, engineering services, land acquisition, appraisal services, roadway materials and technical services necessary to meet the operational requirements of the county engineer.
- (d) *Purchasing records.* All records relating to a purchase shall be maintained by the county department to which procurement authority has been delegated and a copy of all such records shall be provided to the purchasing department upon selection of a vendor.

Sec. 2-359. - Appeals and remedies.

- (a) *Bid protests.*

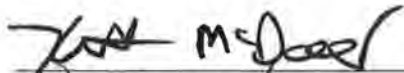
- (1) Any actual or prospective bidder or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the director of purchasing. Any protest must be submitted in writing within five (5) business days from the issuance of the

solicitation, addendum, and notice of award or other decision by the purchasing department.

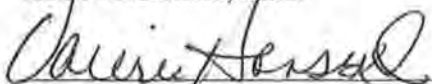
- (2) In the event of a timely protest under this section, the director of purchasing after consulting with the state's attorney shall determine whether it is in the best interests of the county to proceed with the solicitation or award of the contract.
 - (3) When a protest is sustained and the protesting bidder should have been awarded the contract under the solicitation but is not, then the protesting bidder shall be entitled only to the reasonable costs incurred in connection with the solicitation, including bid preparation costs other than attorney's fees.
- (b) *Contract claims.* All claims by a contractor against the county relating to a contract, except bid protests, shall be submitted in writing to the director of purchasing. The contractor may request a conference with the director of purchasing on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.
- (c) *Authority to settle bid protests and contract claims.*
- (1) The director of purchasing, after consultation with the state's attorney, is authorized to settle any procedural protest regarding the solicitation or award of a county contract prior to an appeal to the county board, or any committee thereof. The director of purchasing, after consulting with the state's attorney, is authorized to make recommendations on the settlement of any monetary claim to the appropriate committee of the county board for their consideration.
 - (2) If the protest or claim is not resolved by a mutual agreement, the director of purchasing shall promptly issue a decision in writing, and it shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights. The director of purchasing's decision shall be final and conclusive unless, within five business days from the date of receipt of the decision, the county board chairman receives a written appeal from the contractor.
 - (3) If the director of purchasing does not issue a written decision regarding any protest or claim within ten business days after written request for a final decision, or within such longer period as may be agreed upon between the parties, then the aggrieved party may proceed as if an adverse decision had been received.
- (d) *Appeal process.* Any actual or prospective bidder or contractor may appeal a decision of the director of purchasing regarding bid protests or contract claims to the county board chairman. The director of purchasing's decision shall be final and conclusive unless, within five (5) business days from the date of receipt of the decision the county board chairman receives a written appeal regarding the director of purchasing's decision. The county board chairman shall, in writing, render a decision within ten (10) business days. The decision of the county board chairman is final.

Respectfully submitted,
OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE



Keith McDonald, Chair

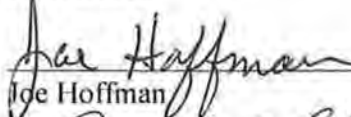


Valerie Hanserd, Vice Chair

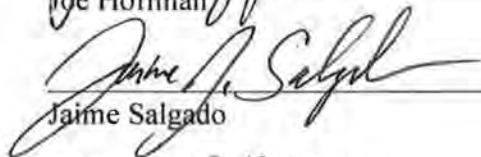
Paul Arena



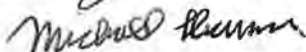
John Butitta



Joe Hoffman



Jaime Salgado



Michael Thompson

DISAGREE

Keith McDonald, Chair

Valerie Hanserd, Vice Chair

Paul Arena

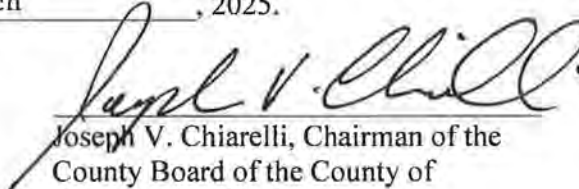
John Butitta

Joe Hoffman

Jaime Salgado

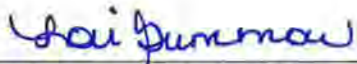
Michael Thompson

The above and foregoing Ordinance was adopted by the County Board of the County of Winnebago, Illinois this 27th day of March, 2025.



Joseph V. Chiarelli, Chairman of the
County Board of the County of
Winnebago, Illinois

ATTEST:



Lori Gummow, Clerk of the
County Board of the
County of Winnebago, Illinois

⑤) Suspend

COMMITTEE: Operations & AdministrativeSUBJECT: Ord. Amend. Ch. 2 Art VI Div. 3

	AYES	NAYES	PRESENT	ABSENT	ABSTAINED
1. ARENA, PAUL M.	✓				
2. BOOKER, AARON	✓				
3. BUTITTA, JOHN	✓				
4. FELLARS, ANGELA	✓				
5. GORAL, ANGIE	✓				
6. HANSERD, VALERIE	✓				
7. HOFFMAN, JOE C.	✓				
8. LINDMARK, BRAD	✓				
9. MCCARTHY, KEVIN	✓				
10. MCDONALD, KEITH	✓				
11. NABORS, TIMOTHY	✓				
12. PENNEY, JOHN	✓				
13. SALGADO, JAIME J.	✓				
14. SCROL, CHRISTOPHER	✓				
15. SWEENEY, JOHN F.	-			✓	
16. TASSONI, DAVE	✓				
17. THOMPSON, MICHAEL J.	-			✓	
18. THOMPSON, RAY	✓				
19. VALDEZ, CHRISTINA	-			✓	
20. WEBSTER, JIM	✓				
TOTALS					
Unanimous Vote	17			3	

⑤①

COMMITTEE: Operations & AdministrativeSUBJECT: Ord. Amend. Ch. 2 Art VI, Div. 3

	AYES	NAYES	PRESENT	ABSENT	ABSTAINED
1. ARENA, PAUL M.	✓				
2. BOOKER, AARON	✓				
3. BUTITTA, JOHN	✓				
4. FELLARS, ANGELA	✓				
5. GORAL, ANGIE	✓				
6. HANSERD, VALERIE	✓				
7. HOFFMAN, JOE C.	✓				
8. LINDMARK, BRAD	✓				
9. MCCARTHY, KEVIN	✓				
10. MCDONALD, KEITH	✓				
11. NABORS, TIMOTHY	✓				
12. PENNEY, JOHN	✓				
13. SALGADO, JAIME J.	✓				
14. SCROL, CHRISTOPHER	✓				
15. SWEENEY, JOHN F.	-			✓	
16. TASSONI, DAVE	✓				
17. THOMPSON, MICHAEL J.	-			✓	
18. THOMPSON, RAY	✓				
19. VALDEZ, CHRISTINA	-			✓	
20. WEBSTER, JIM	✓				
TOTALS					
Unanimous Vote	17			3	

ATTACHMENT #2.

Ordinance Amending Chapter 2 ("Administration") of the Winnebago County Code to Restore Administrative Authority to the County Board Chairman to be referred to the Operations and Administrative Committee for next meeting on 5/1/25

Sponsored by:

Aaron Booker
John Sweeney
John Penney
Michael Thompson
Kevin McCarthy
Christina Valdez
Angela Fellars
Dave Tassoni
Jaime Salgado
Joe Hoffman
Chris Scrol
Joseph Chiarelli

AN ORDINANCE AMENDING CHAPTER 2 ("ADMINISTRATION") OF THE WINNEBAGO COUNTY CODE TO RESTORE ADMINISTRATIVE AUTHORITY TO THE COUNTY BOARD CHAIRMAN

WHEREAS, the County of Winnebago, Illinois is a non-home rule unit of government organized under the Illinois Counties Code (55 ILCS 5/1-1001 et seq.); and

WHEREAS, the Winnebago County Board Chairman is elected at-large by the voters of the County and is directly accountable to the public for the efficient and transparent administration of county government; and

WHEREAS, it is in the interest of efficient operations, clarity of roles, and effective leadership to formally vest executive and administrative authority in the Office of the County Board Chairman, while preserving all legislative authority in the County Board as a whole; and

WHEREAS, the County Board desires to amend certain sections of Chapter 2 ("Administration") of the Winnebago County Code of Ordinances—specifically Sections 2-47, 2-49, 2-123, 2-124, 2-147, 2-151, 2-155, 2-155.8, 2-155.12, 2-158, 2-168, 2-172, 2-182, and 2-228—to effectuate this reallocation of administrative authority and modernize the County's operational structure;

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Winnebago, Illinois, as follows:

SECTION 1: AMENDMENTS TO CHAPTER 2 – ADMINISTRATION

Amendment to Section 2-47 – The Chairman shall serve as the Chief Executive Officer of the County and be responsible for all administrative operations not otherwise assigned by law. The Chairman shall preside over all regular and special meetings of the County Board but shall not be considered a member of the County Board and shall not vote on any question before the County Board except to break a tie. The Chairman shall have the authority to appoint, supervise, direct, and remove all department heads and county employees who are not otherwise appointed or elected pursuant to state law. The Chairman shall be responsible for the day-to-day administration of county government, including the implementation of policies enacted by the County Board, coordination of departments, oversight of internal operations and services, budget preparation, intergovernmental representation, and labor relations. The Chairman may appoint a County Administrator, subject to confirmation by the County Board, to assist in carrying out administrative duties.

Amendment to Section 2-49 – The Chairman shall supervise and assign duties to the County Administrator.

Amendment to Section 2-123 – The County Administrator shall be appointed by the Chairman and confirmed by the County Board.

Amendment to Section 2-124 – The County Administrator shall report directly to the Chairman and perform duties as directed by the Chairman.

Amendment to Section 2-147 – The Chief Financial Officer shall be appointed by the Chairman, subject to Board confirmation.

Amendment to Section 2-151 – The Chief Financial Officer shall report to and perform duties as assigned by the Chairman.

Amendment to Section 2-155 – The Purchasing Agent shall be appointed by and report to the Chairman.

Amendment to Section 2-155.8 – The Purchasing Agent shall perform all duties under the supervision of the Chairman.

Amendment to Section 2-155.12 – Oversight of the centralized purchasing system shall be the responsibility of the Chairman.

Amendment to Section 2-158 – The Human Resources Director shall be appointed by and report to the Chairman.

Amendment to Section 2-168 – The Risk Manager shall report directly to the Chairman.

Amendment to Section 2-172 – The Information Technology Director shall be appointed by the Chairman and serve at the Chairman's pleasure.

Amendment to Section 2-182 – The Director of Community Development shall be appointed by the Chairman and report to the Chairman.

Amendment to Section 2-228 – The Animal Services Administrator shall report to the Chairman and operate under the Chairman's direction.

SECTION 2: REAFFIRMATION OF LEGISLATIVE AUTHORITY

Nothing in this ordinance shall be construed to transfer or limit the legislative powers of the County Board. The Board shall retain the sole authority to enact ordinances, resolutions, levy taxes, adopt the budget, and establish public policy for the County in accordance with Illinois law.

SECTION 3: REPEAL OF INCONSISTENT PROVISIONS

All ordinances, resolutions, motions, rules, or sections of the Winnebago County Code that are inconsistent with the provisions of this ordinance—including any language within Sections 2-47, 2-49, 2-123, 2-124, 2-147, 2-151, 2-155, 2-155.8, 2-155.12, 2-158, 2-168, 2-172, 2-182, and 2-228—are hereby repealed or amended to the extent of such inconsistency.

SECTION 4: SEVERABILITY

If any part or provision of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not affect the validity of the remaining provisions.

SECTION 5: EFFECTIVE DATE

This ordinance shall be in full force and effect upon passage and approval in the manner provided by law.

PASSED AND APPROVED this ____ day of _____, 2025, by the County Board of the County of Winnebago, Illinois.

ATTEST:

County Clerk

Chairman, Winnebago County Board