

**TITLE 1 - ADMINISTRATIVE**

**CHAPTER 6**

**MUNICIPAL OFFICERS AND EMPLOYEES**

**ARTICLE E. - BUILDING, PLANNING AND CODE COMPLIANCE OFFICIALS**

**SECTION:**

**1-6E-1: - BUILDING AND ZONING COMMISSIONER:**

The building and zoning commissioner is the staff employee in charge of the building and zoning division within the department of community development department.

(Ord. No. 2010-34, § 1, 8-16-2010)

**Editor's note**— Ord. No. 2010-34, § 1, adopted August 16, 2010, amended section 1-6E-1 in its entirety to read as herein set out. Formerly, section 1-6E-1 pertained to the building commissioner and zoning enforcement officer, and derived from the Code of 1975, §§ 2-25—2-30, and amd. 2003 Code.

**1-6E-2: - DIRECTOR OF COMMUNITY DEVELOPMENT:**

A. Office Established; Appointment: There is hereby established the office of director of community development, who shall be appointed by the mayor, by and with the advice and consent of the city council.

(1975 Code §§ 2-34, 2-35)

B. Duties And Responsibilities: The duties of the director of community development shall include, but are not limited to:

1. Develop comprehensive plans and programs for utilization of land use and physical facilities in the city.
2. Review and recommend land use and physical facilities for residential, commercial, industrial and community uses.
3. Recommend to the city council governmental measures affecting land use, public utilities, housing and transportation to control and guide community development renewal.
4. Perform professional and administrative work in researching, evaluating, proposing and directing the development enforcement of land use plans in accordance with municipal guidelines.
5. Supervise the professional staff of the development department, including the building commissioner and zoning enforcement officer, in the implementation of the city ordinances affecting land use, building construction and zoning enforcement.
6. Coordinate development review of new and existing residential, commercial, and industrial subdivisions and planned developments.
7. Coordinate and schedule all matters coming before the planning and zoning commission, and city council relating to land use development, land use control and zoning.

(1975 Code § 2-36)

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MUNICIPAL OFFICERS AND EMPLOYEES**

**ARTICLE H. - ETHICAL CONDUCT, POLITICAL ACTIVITIES AND THE SOLICITATION AND ACCEPTANCE OF GIFTS**

**SECTION:**

**1-6H-1: - TITLE:**

This article shall be known as *REGULATIONS OF ETHICAL CONDUCT, POLITICAL ACTIVITIES AND THE SOLICITATION AND ACCEPTANCE OF GIFTS BY OFFICERS AND EMPLOYEES OF THE CITY OF GENEVA.*

(Ord. 2004-41, 5-17-2004)

**1-6H-2: - DEFINITIONS:**

For purposes of this article, the following terms shall be given these definitions:

CAMPAIGN FOR ELECTIVE OFFICE:	Any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice presidential electors, but does not include activities: a) relating to the support or opposition of any executive, legislative, or administrative action, b) relating to collective bargaining, or c) that are otherwise in furtherance of the person's official duties.
CANDIDATE:	A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Illinois election code. <sup>[9]</sup>
COLLECTIVE BARGAINING:	Has the same meaning as that term is defined in section 3 of the Illinois public labor relations act. <sup>[9]</sup>
COMPENSATED TIME:	With respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of

	time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.
COMPENSATORY TIME OFF:	Authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.
CONTRIBUTION:	Has the same meaning as that term is defined in section 9-1.4 of the Illinois election code. <a href="#">10</a>
EMPLOYEE:	A person employed by the city of Geneva, whether on a full time or part time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.
EMPLOYER:	The city of Geneva.
GIFT:	Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.
LEAVE OF ABSENCE:	Any period during which an employee does not receive: a) compensation for employment, b) service credit towards pension benefits, and c) health insurance benefits paid for by the employer.
OFFICER:	A person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity. This includes, but is not limited to, the mayor, members of the

	city council, the city clerk (and if appointed the deputy city clerk), the city treasurer, all members of the Geneva <del>planning and zoning commission</del> , and the Geneva historic preservation commission.
POLITICAL ACTIVITY:	Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities: a) relating to the support or opposition of any executive, legislative, or administrative action, b) relating to collective bargaining, or c) that are otherwise in furtherance of the person's official duties.
POLITICAL ORGANIZATION:	A party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the Illinois state board of elections or a county clerk under section 9-3 of the Illinois election code, <a href="#">[1]</a> but only with regard to those activities that require filing with the Illinois state board of elections or a county clerk.
PROHIBITED POLITICAL ACTIVITY:	A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
	B. Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
	C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
	D. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

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	E. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
	F. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
	G. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
	H. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
	I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
	J. Preparing or reviewing responses to candidate questionnaires.
	K. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
	L. Campaigning for any elective office or for or against any referendum question.
	M. Managing or working on a campaign for elective office or for or against any referendum question.

	N. Serving as a delegate, alternate, or proxy to a political party convention.
	O. Participating in any recount or challenge to the outcome of any election.
PROHIBITED SOURCE:	Any person or entity who:
	A. Is seeking official action: 1) by an officer or 2) by an employee, or by the officer or another employee directing that employee;
	B. Does business or seeks to do business: 1) with the officer or 2) with an employee, or with the officer or another employee directing that employee;
	C. Conducts activities regulated: 1) by the officer or 2) by an employee, or by the officer or another employee directing that employee; or
	D. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

(Ord. 2004-41, 5-17-2004)

Footnotes:

**CHAPTER 13 - FREEDOM OF INFORMATION INQUIRIES**

**SECTIONS:**

**1-13-1: - DEFINITIONS:**

For purposes of this section, the following terms shall have the following meanings:

ACT:	The Illinois Freedom of Information Act, 5 ILCS 140 et. seq.
COMMERCIAL PURPOSE:	The use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. Requests made by news media and non-profit, scientific or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.
COPYING:	The reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means now known or hereafter developed and available to the public body.
NEWS MEDIA:	A newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.
PERSON:	Any individual, corporation, partnership, firm, organization or association, acting individually or as a group.
PRIVATE INFORMATION:	Unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when

	compiled without possibility of attribution to any person.
PUBLIC ACCESS COUNSELOR:	The person or persons established in the office of the Illinois Attorney General pursuant to Section 9.5 of the Act.
PUBLIC BODY	All legislative, executive, administrative, or advisory bodies of the city, including but not limited to the city council, the <del>planning and zoning commission</del> , the historic preservation commission, and the board of fire and police commissioners.
PUBLIC RECORDS:	All records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body. "Public records" includes:
	(i) All records relating to the obligation, receipt, and use of public funds of the public body;
	(ii) Certified payroll records submitted to the public body under Section 5(a)(2) of the Prevailing Wage Act, except that contractor's employees' addresses, telephone numbers, and social security numbers shall be redacted prior to disclosure;
	(iii) The following chronological information from arrest reports shall be furnished within seventy-two (72) hours after the arrest: (aa) information that identifies the individual, including the name, age, address, and photograph, when and if available; (bb) information detailing any charges relating to the arrest; (cc) the time and location of the arrest; (dd) the name of the investigating or arresting law enforcement agency; (ee) if the individual is incarcerated, the amount of any bail or bond; and (ff) if the individual is incarcerated, the time and date that the individual was received into, discharged from or transferred from the arresting agency's custody;
	(iv) Information described in items (cc) through (ff) of subsection (iii) above may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correction personnel or any other person; or (iii) compromise the security of any

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	correction facility.
	(v) The following documents from the criminal history record if maintained by the public body: (aa) court records that are public, (bb) records that are otherwise available under state or local law, (cc) records in which the requesting party is the individual identified, except if disclosure endangers the life or physical safety of law enforcement personnel or any other person. Information described in items (cc) through (ff) of subsection (iii) above may be withheld if the disclosure would interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency, or endangers the life or physical safety of law enforcement or corrections personnel or any other person, or compromises the security of any correctional facility;
	(vi) Subject to the exemptions at section 1-13-5 below, settlement agreements.
	(vii) The provisions of this section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987. (Ord. No. 2008-53, § 1, 12-15-2008; Ord. No. 2010-02, § 1, 1-19-2010)

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