

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
AGENDA

February 7, 2022

Convened in the Council Chambers, 401 Whitney Blvd, Belvidere IL at 7:00 p.m.

(1) Roll Call:

(2) Pledge of Allegiance:

Invocation:

(3) Public Comment: (Please register with the City Clerk):

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of January 18, 2022; as presented.

(5) Public Hearing:

(A) Vacation of a Portion of an Alley Generally Lying South of Starr Street and West of 8th Ave.

(6) Special Messages and Proclamations:

(7) Approval of Expenditures: None.

(8) Committee Reports and Minutes of City Officers:

(A) Minutes of Committee of the Whole – Public Safety, Finance & Personnel of January 24, 2022 as presented.

(9) Unfinished Business:

(A) Ord. #564H – 2nd Reading: An Ordinance Amending Section 110-225, Prohibited Parking in Municipal Lots, of the City of Belvidere Municipal Code.

(B) Ord. #565H – 2nd Reading: An Ordinance Vacating an Alley Generally Lying South of Starr Street and West of 8th Avenue in the City of Belvidere, Illinois.

(10) New Business:

(A) Ord. #566H – 1st Reading: An Ordinance Amending Chapter 43, Ethics, of the City of Belvidere Municipal Code to Add a New Article IV, WhistleBlower Protection.

(B) Res. #2022-7 – A Resolution Releasing Certain Executive Session Minutes Pursuant to 5ILCS 120/1 Et. Seq.

Motions forwarded from Committee of the Whole – Public Safety, Finance & Personnel of January 24, 2022.

Motions of Public Safety – Chairman Clayton Stevens:

- (A) Motion to approve accepting the donation of \$100.00, check #4364 from Paul and Dorothy Hale, to be used for this year's annual Department Meeting.
- (B) Motion to approve the expenditure to SWATMOD for the necessary modifications and equipment in the amount of \$10,730.00. This expenditure will be taken from the Belvidere Police Department Federal Asset Forfeiture account.

Motions of Public Works – Chairman Marsha Freeman:

- (C) Motion to approve the low bid from Dale's Plumbing, in the amount of \$281,862.20, for the Florence Court Reconstruction Project.
- (D) Motion to approve the low bid from N-Trak Group, in the amount of \$2,671,812.59, for the Logan Avenue Rehabilitation Project, subject to IDOT approval. This work will be paid for from MFT and Capital Funds.

(11) Adjournment:

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
MINUTES

Date: January 18, 2022

Convened in the Belvidere Council Chambers, 401 Whitney Blvd, Belvidere Illinois
at 7:00 p.m.

Call to order by Mayor Morris.

(1) Roll Call: Present: Fleury, Frank, McGee, Porter, Prather, Snow and Stevens.

Absent: Brereton, Freeman and Mulhall.

Other staff members in attendance:

Public Works Director Brent Anderson, Fire Chief Al Hyser, Police Chief Shane Woody,
Director of Buildings Kip Countryman, Community Development Planner Gina DelRose,
City Attorney Mike Drella and City Clerk Sarah Turnipseed.

(2) Pledge of Allegiance:

Invocation: Mayor Morris.

(3) Public Comment: None.

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of
January 3, 2022; as presented.

Motion by Ald. Prather, 2nd by Ald. Fleury to approve the minutes of the regular meeting
of the Belvidere City Council of January 3, 2022. Aye voice vote carried. Motion
carried.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

(A) Charles Branch with NextSite presented Connecting Opportunities for
Commercial Development. Discussion took place.

(B) Report of Growth Dimensions by Business Enterprise Manager Heather Wick.

(7) Approval of Expenditures: General & Special Fund Expenditures: \$1,340,516.09
Water & Sewer Fund Expenditures: \$ 587,579.71

Belvidere City Council
January 18, 2022

Motion by Ald. Snow, 2nd by Ald. Porter to approve the General & Special Fund Expenditures in the amount of \$1,340,516.09. Roll Call Vote: 7/0 in favor. Ayes: Fleury, Frank, McGee, Porter, Prather, Snow and Stevens. Nays: None. Motion carried.

Motion by Ald. Fleury, 2nd by Ald. McGee to approve the Water & Sewer Fund Expenditures in the amount of \$587,579.71. Roll Call Vote: 7/0 in favor. Ayes: Frank, McGee, Porter, Prather, Snow, Stevens and Fleury. Nays: None. Motion carried.

(8) Committee Reports and Minutes of City Officers:

- (A) Monthly Report of Belvidere Police Department Overtime Pay for December 2021.
- (B) Monthly Report of Belvidere Fire Department Overtime Pay for December 2021.
- (C) Monthly Report of Community Development Department/Planning Department for December 2021.
- (D) Monthly Report of Building Department Revenues, Residential Building Permits, Commercial Permits and Case Reports for December 2021.
- (E) Yearly Report of Building Department Revenues, Residential Building Permits and Case Reports for CY 2021.
- (F) Monthly General Fund Report for December 2021.
- (G) Monthly Water/Sewer Fund Report December 2021.
- (H) Monthly CD Investments for December 2021.

Let the record show these reports were placed on file.

- (I) Minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of January 10, 2022.

Motion by Ald. McGee, 2nd by Ald. Prather to approve the minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of January 10, 2022. Aye voice vote carried. Motion carried.

(9) Unfinished Business: None.

(10) New Business:

- (A) Ord. #564H – 1st Reading: An Ordinance Amending Section 110-225, Prohibited Parking in Municipal Lots, of the City of Belvidere Municipal Code.
- (B) Ord. #565H – 1st Reading: An Ordinance Vacating an Alley Generally Lying South of Starr Street and West of 8th Avenue in the City of Belvidere, Illinois.

Let the record show that Ordinance #564H and Ordinance #565H were placed on file for first reading.

(C) Res.# 2022-1 – A Resolution for Improvement Under the Highway Code for preparation of bridge condition report on Main Street.

Motion by Ald. Prather, 2nd by Ald. Frank to adopt Resolution #2022-1. Roll Call Vote: 7/0 in favor. Ayes: McGee, Porter, Prather, Snow, Stevens, Fleury and Frank. Nays: None. Motion carried.

(D) Res.# 2022-2 – A Resolution for Improvement Under the Highway Code for preparation of bridge condition report on Appleton Road South.

Motion by Ald. Snow, 2nd by Ald. McGee to adopt Resolution #2022-2. Roll Call Vote: 7/0 in favor. Ayes: Porter, Prather, Snow, Stevens, Fleury, Frank and McGee. Nays: None. Motion carried.

(E) Res. #2022-3 – A Resolution for Improvement Under the Highway Code for preparation of bridge condition report on Appleton Road North.

Motion by Ald. McGee, 2nd by Ald. Fleury to adopt Resolution #2022-3. Roll Call Vote: 7/0 in favor. Ayes: Prather, Snow, Stevens, Fleury, Frank, McGee and Porter. Nays: None. Motion carried.

(F) Res.# 2022-4 – A Resolution Accepting Certain Public Improvements for Plat 1 and Plat 2 of Sager Corporate Park.

Motion by Ald. Snow, 2nd Ald. Prather to adopt Resolution #2022-4. Roll Call Vote: 7/0 in favor. Ayes: Snow, Stevens, Fleury, Frank, McGee, Porter and Prather. Nays: None. Motion carried.

(G) Res. #2022-5 – A Resolution Authorizing Execution of a Letter of Credit with Midland States Bank Guaranteeing Payment to Philadelphia Insurance Company.

Motion by Ald. Snow, 2nd by Ald. Frank to adopt #2022-5. Roll Call Vote: 7/0 in favor. Ayes: Stevens, Fleury, Frank, McGee, Porter, Prather and Snow. Nays: None. Motion carried.

Motions forwarded from Committee of the Whole – Building, Planning and Zoning and Public Works of January 10, 2022.

(A) Motion to approve the low bid from Landscape Material & Firewood Sales, Inc. in the amount of \$9,000.00, for grinding of the City's branch pile. This work will be paid for from Line Item #01-5-310-6826. Roll Call Vote: 7/0 in favor. Ayes: Fleury, Frank, McGee, Porter, Prather, Snow and Stevens. Nays: None. Motion carried.

- (B) Motion to approve the proposal from Hampton, Lenzini & Renwick, in the amount of \$15,500.00, to complete three bridge condition reports. This work will be paid for from MFT Funds. Roll Call Vote: 7/0 in favor. Ayes: Frank, McGee, Porter, Prather, Snow, Stevens and Fleury. Nays: None. Motion carried.
- (C) Motion to waive the bidding process for roof repair of Fire Station 1 Apparatus Building. Discussion took place. Roll Call Vote: 8/0 in favor. Ayes: McGee, Porter, Prather, Snow, Stevens, Fleury, Frank and Mayor Morris. Nays: None. Motion carried.
- (D) Motion to approve the proposal from Freeport Industrial Roofing Inc., in the amount of \$31,145.00 for roof repair of Fire Station 1 Apparatus Building. Roll Call Vote: 7/0 in favor. Ayes: Porter, Prather, Snow, Stevens, Fleury, Frank and McGee. Nays: None. Motion carried.
- (E) Motion to accept additional American Rescue Plan Act Funds in the amount of \$1,765.55. Roll Call Vote: 7/0 in favor. Ayes: Prather, Snow, Stevens, Fleury, Frank, McGee and Porter. Nays: None. Motion carried.
- (F) Motion to approve the low bid for independent audit services from Sikich, LLP for a three-year period in an amount not to be exceed \$116,855 (\$111,440 for general audit services and \$5,415 for single audit costs). This work will be paid for from line item 01-5-130-6100. Discussion took place. Roll Call Vote: 7/0 in favor. Ayes: Snow, Stevens, Fleury, Frank, McGee, Porter and Prather. Nays: None. Motion carried.
- (G) Motion to approve a one-year contract with Morgan Building Maintenance, Inc. for cleaning services at City Hall at a rate of \$1004 per month. This work will be paid for from line item. 01-5-110-6010 (Repairs/Maintenance – Buildings). Roll Call Vote: 7/0 in favor. Ayes: Stevens, Fleury, Frank, McGee, Porter, Prather and Snow. Nays: None. Motion carried.
- (H) Motion by Ald. Snow, 2nd by Ald. Porter to adopt Resolution #2022-6 – A Resolution Appointing John Wolf as a Trustee to the Northern Illinois Land Bank Authority. Roll Call Vote: 7/0 in favor. Ayes: Fleury, Frank, McGee, Porter, Prather, Snow and Stevens. Nays: None. Motion carried.
- (11) Other: Review of Executive Session Minutes pursuant to 2(c)(21) of the Open Meetings Act.

Motion by Ald. Snow, 2nd by Ald. Prather to move into executive session at 8:08p.m. to Review Executive Session Minutes pursuant to 2(c)(21) of the Open Meetings Act. Roll Call Vote: 7/0 in favor. Ayes: Frank, McGee, Porter, Prather, Snow, Stevens and Fleury. Nays: None. Motion carried.

Belvidere City Council
January 18, 2022

Motion by Ald. Stevens, 2nd by Ald. Snow to move out of Executive Session at 8:12p.m.
Roll Call Vote: 7/0 in favor. Ayes: McGee, Porter, Prather, Snow, Stevens, Fleury and Frank. Nays: None. Motion carried.

(12) Adjournment:

Motion by Ald. Snow, 2nd by Ald. Fleury to adjourn meeting at 8:14 p.m. Aye voice vote carried. Motion carried.

Mayor

Attest:

City Clerk

**NOTICE OF PUBLIC HEARING
ON VACATION OF A PORTION OF AN ALLEY GENERALLY
LYING SOUTH OF STARR ST. AND WEST OF 8th AVE.**

The City of Belvidere will conduct a Public Hearing on February 7, 2022 at 7:00 p.m. at the Belvidere City Council Chambers, 401 Whitney Boulevard, Belvidere, Illinois, to discuss consideration of a vacation of an Alley lying South of Starr St. and West of 8th Ave. (the Alley) located in the City of Belvidere, Boone County, Illinois.

The purpose of the public hearing will be to allow all interested persons to be heard concerning the proposal for vacation. Copies of the proposed ordinance vacating the Alley are available at the office of the City Clerk, 401 Whitney Boulevard, Belvidere, Illinois 61008.

By order of the Corporate Authorities of the City of Belvidere, Boone County, Illinois.

Dated: January 13, 2022

Sarah Turnipseed, City Clerk

Published Jan 13, 2022 in *The Boone County Journal*

Minutes
Committee of the Whole
Public Safety and Finance and Personnel
January 24, 2022
6:00 p.m.

Call to Order – Mayor Clinton Morris:

Aldermen Present:

R. Brereton, M. Fleury, W. Frank, M. Freeman, M. McGee, N. Mulhall, S. Prather,
T. Porter, D. Snow and C. Stevens.

Alderman Absent: None.

Other staff members in attendance:

Public Works Director Brent Anderson, Police Chief Shane Woody, Fire Captain Dave Burdick, Community Development Planner Gina DelRose, Budget and Finance Director Shannon Hansen, City Attorney Mike Drella and City Clerk Sarah Turnipseed.

Public Comment: None.

Public Forum: None.

Reports of Officers, Boards, and Special Committees:

1. Public Safety, Unfinished Business: None.
2. Public Safety, New Business:
 - (A) Police Department – Update.

Police Chief Shane Woody presented an update.

- (B) Police Department – Donation.

Motion by Ald. Fleury, 2nd by Ald. Porter to approve accepting the donation of \$100.00, check #4364 from Paul and Dorothy Hale, to be used for this year's annual Department Meeting. Aye voice vote carried. Motion carried.

- (C) Police Department – SWAT Vehicle Equipment Request.

Motion by Ald. Snow, 2nd by Ald. Mulhall to approve the expenditure to SWATMOD for the necessary modifications and equipment in the amount of \$10,730.00. This

expenditure will be taken from the Belvidere Police Department Federal Asset Forfeiture account. Discussion took place. Aye voice vote carried. Motion carried.

3. Finance & Personnel, Unfinished Business: None.

4. Finance & Personnel, New Business:

(A) Finance Department – Update.

Budget and Finance Officer Shannon Hansen presented an update.

5. Other:

(A) OSHA Mandate – Tabled January 10, 2022.

Motion by Ald. Prather, 2nd by Ald. McGee to remove OSHA Mandate from the table. Aye voice vote carried. Motion carried. Discussion took place. Original Motion made on January 10, 2022 by Ald. Stevens, 2nd by Ald. Prather to adopt the City of Belvidere COVID-19 Vaccination, Testing and Face Covering Policy. Nay voice vote carried. Motion lost.

(B) Nicor – Nexsite.

Discussion took place. Motion by Ald. Snow, 2nd by Ald. Stevens to enter into 3-year agreement with Nicor NextSite for \$15,000 a year plus Success Fees. Further discussion took place. Aye voice vote carried. Nays: Brereton. Motion carried.

(C) Florence Court Reconstruction Project – Bid Tabulation.

Motion by Ald. Snow, 2nd by Ald. Stevens to approve the low bid from Dale’s Plumbing, in the amount of \$281,862.20, for the Florence Court Reconstruction Project. Discussion took place. Aye voice vote carried. Motion carried.

(D) Logan Avenue Rehabilitation Project – Bid Tabulation.

Motion by Ald. Stevens, 2nd by Ald. Porter to approve the low bid from N-Trak Group, in the amount of \$2,671,812.59, for the Logan Avenue Rehabilitation Project, subject to IDOT approval. This work will be paid for from MFT and Capital Funds. Discussion took place. Aye voice vote carried. Motion carried.

(E) Whistle Blower Mandate.

Motion by Ald. Snow, 2nd by Ald. Stevens to amend Chapter 43 of the City of Belvidere Municipal Code to adopt a new Article IV Whistle Blower Policy as set forth in the attached Exhibit to Memo dated January 20, 2022 from City Attorney Mike Drella. Discussion took place. Aye voice vote carried. Motion carried.

(F) Resolution – Release of Certain Executive Session Minutes Pursuant to 5ILCS 120/1 Et. Seq.

Motion by Ald. Porter, 2nd by Ald. Prather to forward to City Council Resolution 2022-7, A Resolution Releasing Certain Executive Session Minutes Pursuant to 5 ILCS 120/1 Et. Seq. Aye voice vote carried. Motion carried.

(G) Executive Session to discuss probable or imminent litigation pursuant to section 2(c)(11) of the Illinois Open Meeting Act.

Motion by Ald. Snow, 2nd by Ald. McGee to move into executive session at 7:02p.m. to discuss probable or imminent litigation pursuant to section 2(c)(11) of the Illinois Open Meetings Act. Roll Call Vote: 10/0 in favor. Ayes: Brereton, Fleury, Frank, Freeman, McGee, Mulhall, Porter, Prather, Snow and Stevens. Nays: None. Motion carried.

Motion by Ald. Prather 2nd by Ald. Snow to move out of Executive Session at 7:32p.m. Roll Call Vote: 10/0 in favor. Ayes: Fleury, Frank, Freeman, McGee, Mulhall, Porter, Prather, Snow, Stevens and Brereton. Nays: None. Motion carried.

6. Adjournment:

Motion by Ald. Mulhall, 2nd by Ald. Fleury to adjourn meeting at 7:32p.m. Aye voice carried. Motion carried.

_____ Mayor

Attest: _____ City Clerk

ORDINANCE #564H
AN ORDINANCE AMENDING SECTION 110-225,
PROHIBITED PARKING IN MUNICIPAL LOTS,
OF THE
CITY OF BELVIDERE MUNICIPAL CODE

NOW, THEREFORE, be it ordained by the City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: Section 110-225 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit A which is incorporated herein by this reference.

SECTION 2: Sec. 110-198(a)(7) shall be amended to read as follows:

7. City lot no. 5	Parking allowed up to 24 hours.	
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SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

Ayes: .
Nays: .
Absent: .

Approved:

Clinton Morris, Mayor

Attest:

Sarah Turnipseed, City Clerk

Passed:

Approved:

Published:

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Sec. 110-225. Prohibited parking in municipal Lots.

- (a) Parking is prohibited in municipal Lots 1—9 and the municipal Lots are closed from 2:00 a.m. through 6:00 a.m. Mondays in order to allow street cleaning. Parking shall be allowed on State Street during the hours of 2 a.m. and 6 a.m. Mondays.
- (b) Except for municipal lot #5, which is bounded by Main Street, Pleasant Street, Whitney Boulevard, and private property, municipal lots shall be closed and parking is prohibited in the event of a snow emergency as defined in this Code. In the event a vehicle is parked in a municipal lot, with the exception of municipal lot #5, during a snow emergency, it is subject to the same penalties and may be towed as set forth in this chapter. Within four hours of the end of the snow emergency, all vehicles shall be removed from municipal lot #5 to allow for the clearing of municipal lot #5. Any vehicle parked in municipal lot #5 between the time 4 hours after the end of the snow emergency and for the next eight hours, shall be subject to the same penalties and may be towed as set forth in this chapter.
- (c) No vehicle exceeding an Illinois class B license plate (or a vehicle registered in another state that if registered in Illinois would be registered as a class B license plate) shall be parked within a municipal Lot.
- (d) The owner and/or operator of any vehicle parked in violation of this section are jointly and severally liable for a fine not to exceed \$100.00. Further, the city police department may cause any vehicle parked in violation of this section to be immediately towed and impounded at the owner's expense.

(Ord. No. 891G, § 3, 4-2-07; Ord. No. 11H, § 1, 4-6-09)

ORDINANCE #565H

**AN ORDINANCE VACATING AN
ALLEY GENERALLY LYING SOUTH OF STARR ST.
AND WEST OF 8th AVE.
IN THE CITY OF BELVIDERE, ILLINOIS**

WHEREAS, an alley exists generally lying South of Starr St. and West of 8th Ave. (the Alley) in the City of Belvidere, Illinois; and

WHEREAS, the Alley is legally described and depicted on the Attached Exhibit A which is incorporated herein by this reference (also referred to herein as the Vacated Parcel); and

WHEREAS, the Alley is no longer necessary for the public good and portions of the Alley have been previously vacated; and

WHEREAS, the City of Belvidere is a home rule unit of government within the meaning of Section 6 of Article VII of the 1970 Constitution of the State of Illinois; and; and

WHEREAS, after proper notice, a public hearing was held on February 7, 2022 pursuant to Section 11-91-1 of the Illinois Municipal Code; and

WHEREAS, the Corporate Authorities of the City of Belvidere find that it is in the public interest to vacate the Alley as it no longer serves the public and the City will be relieved of any maintenance obligations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belvidere, Boone County, Illinois as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth.

SECTION 2: The Alley is hereby vacated in accordance with 65 ILCS 5/11-91-1 et seq. and title to the Vacated Parcel shall devolve upon the adjoining properties the same as if the Alley had been dedicated by common law plat and in accordance with section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2) and as set forth in this Ordinance. The Mayor is authorized to execute and the Clerk to Attest any documents necessary or convenient to transfer title to the Vacated Parcel to the adjoin properties.

SECTION 3: The Parcels which shall acquire title to the Vacated Alley pursuant to 65 ILCS 5/11-31-2 are as shown on the Attached Exhibit A and are:

PIN 05-35-255-002
PIN 05-35-255-009
PIN 05-35-255-005
PIN 05-35-255-006
PIN 05-35-255-007
PIN 05-35-255-008

SECTION 4: That all maps, journals and other records of the City be changed accordingly.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes:

Nays:.

Absentees:

APPROVED:

Mayor Clinton Morris

(SEAL)

ATTEST: _____

City Clerk Sarah Turnipseed

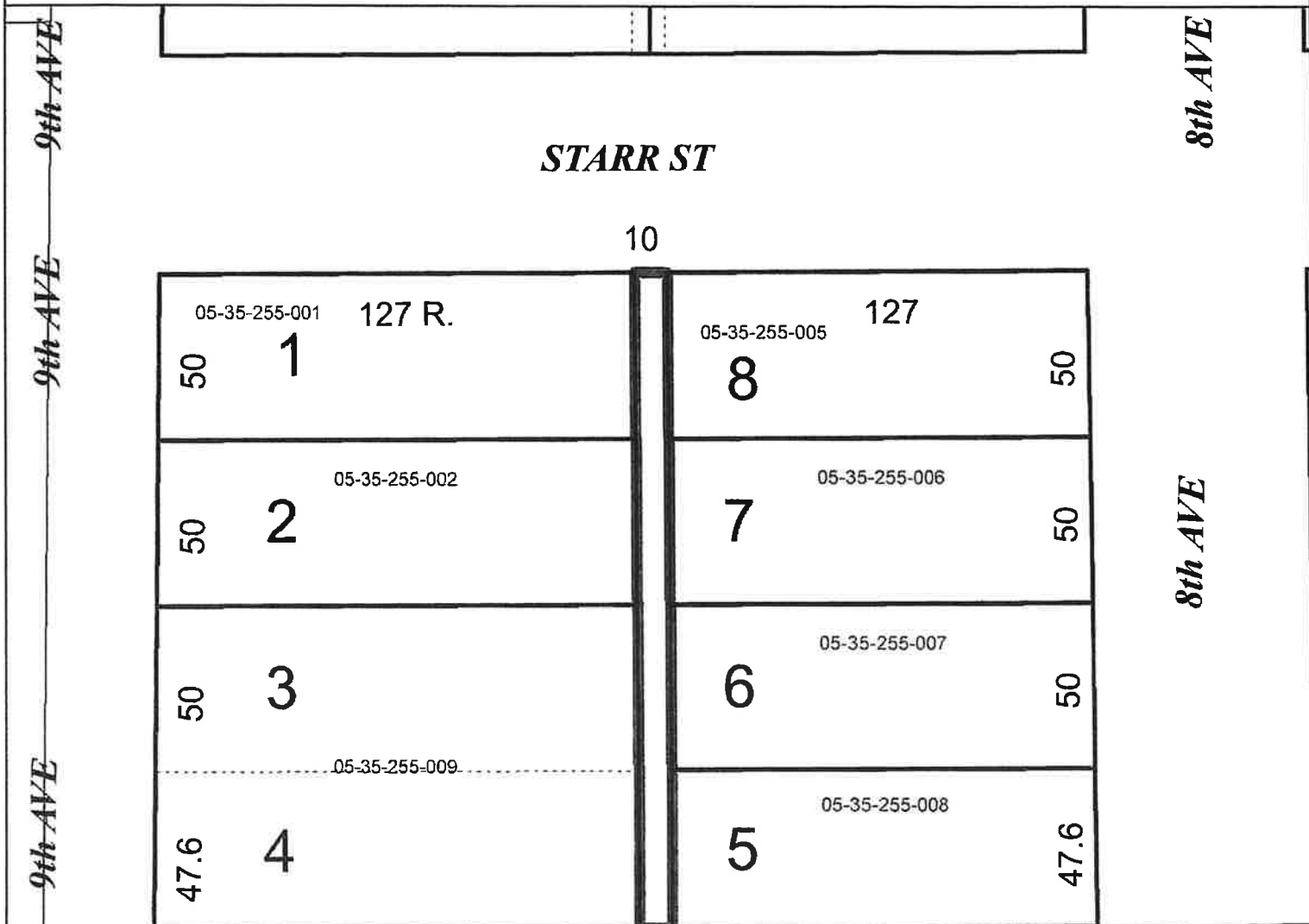
Passed:

Approved:


Published:

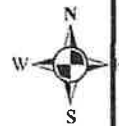
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Plat of Vacation



Legend

 Area to Vacate ROW



1 inch = 50 feet

ALLEY VACATION - Starr Street Alley

Legal Description:

Begging at the Northeast Corner of Lot 1 Block 6, Plat of West Park Addition to the City of Belvidere, as recorded in Book 3 Plats on Page 5 in the Recorder's Office of Boone County, Illinois, Situated in the County of Boone and State of Illinois; thence South 197.6 feet to the Southeast Corner of Lot 4 of the forementioned addition; thence East 10 feet to the Southwest Corner of Lot 5 of the forementioned addition; Thence North 197.6 feet to the Northeast Corner of lot 8 of the forementioned addition; thence West 10 feet to POB.

ORDINANCE #566H
AN ORDINANCE AMENDING CHAPTER 43, ETHICS,
OF THE CITY OF BELVIDERE MUNICIPAL CODE
TO ADD A NEW ARTICLE IV, WHISTLEBLOWER PROTECTION

NOW, THEREFORE, be it ordained by the City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: Chapter 43, Ethics of the City of Belvidere Municipal Code is amended to add a new Article IV as set forth in the attached Exhibit A which is incorporated herein by this reference.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

Ayes:
Nays:
Absent:

Approved:

Clinton Morris, Mayor

Attest:

Sarah Turnipseed, City Clerk

Passed:
Approved:
Published:
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Exhibit A

Article IV: Whistleblower Protection Policy

43-50 Purpose

As required by Public Act 101-652 (50 ILCS 105/4.1)(the Act), the City of Belvidere (the City) provides whistleblower protections to protect an employee or contractor from retaliation for (1) reporting an improper governmental action, (2) cooperating with an investigation related to a report of improper governmental action or (3) testifies in a proceeding or prosecution arising out of an improper governmental action. The confidentiality of a whistleblower will be maintained to the extent allowable by law. An identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The City will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action and threats of harm. Any whistleblowers who believe they are being or have been retaliated against must submit a written report to the City Clerk (the Auditing Official) within 60 days of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

43-51 Definitions

- a) **Whistleblower** means an employee, as defined below, or contractor who:
 1. Reports an improper governmental action as defined in the Act;
 2. Cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,
 3. Testifies in a proceeding or prosecution arising out of an improper governmental action.
- b) **Auditing Official** means the City Clerk whose duties may include: receiving, registering and investigating complaints and information concerning misconduct, inefficiency and waste within the City; investigating the performance of officers, employees, functions and programs; and, promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the City. In the absence of the City Clerk, the Deputy Clerk shall serve as Auditing Official. If the City Clerk or Deputy Clerk fail to act as Auditing Official, or if those office are vacant, the Auditing Official defaults to the State's Attorney of Boone County.
- c) **Employee** means anyone employed by the City, whether in a permanent or temporary position, including full-time, part-time and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under the Act.
- d) **Improper governmental action** means any action by an employee of the City; an appointed member of a board, commission or committee; or, an elected official of the

City that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public's trust or expectation of their conduct; is of substantial and specific danger to the public's health or safety; or, is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's or committee member's official duties to be subject to a claim of "improper governmental action."

1. Improper governmental action does not include the City's personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.
- e) **Retaliate, retaliation or retaliatory action** means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under the Act. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or, other disciplinary action made because of an employee's protected activity under the Act.

43-52 Duties of an Auditing Official

The Auditing Official may establish additional written processes and procedures for managing complaints of retaliation filed under this Policy in addition to those procedures set forth herein. The Auditing Official shall investigate and dispose of reports of retaliation in accordance with these processes and procedures, and all other provisions of the Act. To the extent allowed by law, the identity of an employee reporting information regarding an improper governmental action or retaliation shall be kept confidential unless waived, in writing, by the employee.

The Auditing Official shall provide each employee a written summary or a complete copy of the Act upon commencement of employment. The Auditing Official may satisfy the annual copy of the Act by placing a copy of the policy on a City website or communication portal available to all employees. As this Policy establishes the process and procedure for managing complaints and reporting complaints, that procedure is not required to be reported separately.

In the event the Auditing Official determines that an employee suffered a retaliatory action for reporting an improper governmental action, the Auditing Official may, where otherwise lawful, reinstate, reimburse for lost wages or expenses incurred, promote or provide some other form of restitution.

In instances of a substantiated claim of retaliatory action, where an Auditing Official determines that restitution will not suffice, the Auditing Official may make the investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.

Auditing Officials are responsible for reading the full context of Section 4.1 and complying with all requirements.

Upon receipt of a written report of improper governmental action or a claim of retaliation, the Auditing Official shall initiate an investigation of the alleged improper governmental action. In so doing, the Auditing Official shall keep a written record of all investigative steps and a written record of all interviews conducted by the Auditing Official. Upon completion of the investigation, the Auditing Official shall prepare written findings and a determination of whether an improper governmental action occurred and shall forward such report to the Mayor and any other governmental official the Auditing Official deems necessary or convenient.

The Auditing Official may utilize other City officials, including, but not limited to, the City Attorney and the Belvidere Police Department, in performing the Auditing Official's duties. The Auditing Official, may, at any time refer any report of improper government action or retaliation to the Boone County States Attorney.

Any claim of improper governmental action arising out of an action or failure to act by a member of the sworn member of the Belvidere Fire Department or Belvidere Police Department, other than a Chief or Deputy Chief, may be referred to the Belvidere Police Department or Belvidere Fire Department, as the Case may be, for investigation. Where appropriate, charges may be filed with the Belvidere Fire and Police Commission.

43-53 Duties of an Employee

All reports of an improper governmental action shall be promptly submitted in writing to the Auditing Official who is responsible for investigating and coordinating corrective action. An employee who believes they have been improperly retaliated against shall file a written report of such retaliation within sixty (60) days of the employee gaining knowledge of the retaliatory action.

The written report shall be submitted on forms to be provided by the Auditing Official. The written report must include specific facts substantiating the alleged improper governmental action. Supposition, rumor and innuendo shall not be sufficient to initiate an investigation under this policy. Rather, reasonably articulable facts supporting the belief that an improper governmental action has occurred must be included in the written report.

The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; a designated Auditing Official is charged with these responsibilities.

43-54 Defend Trade Secrets Act Compliance:

"Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

- a) Immunity—An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that—(A) is made—(i) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (ii) solely for the purpose of reporting or investigating a suspected violation of law; or, (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.
- b) Use of Trade Secret Information in Anti-Retaliation Lawsuit—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual—(A) files any document containing the trade secret under seal; and, (B) does not disclose the trade secret, except pursuant to court order." (18 U.S.C. § 1833).

43-55 **Employee Acknowledgment**

Employees are required to sign a written acknowledgement that they have received, read and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the **City/Village/Town**. The form that follows on page four of this policy will satisfy this requirement upon receipt.

43-56 Home Rule

The City of Belvidere is a home rule municipality within the meaning of Article VII, Section 6 of the Constitution of the State of Illinois 1970. To the extent this Policy differs from the Act or articulates a policy in contravention to the Act, this Policy shall control and take precedence over the Act.

Employee Acknowledgement of Whistleblower Protection Policy

*I confirm that I have received, read and understand the “Whistleblower Protection Policy” for employees of the **City of Belvidere**.*

*I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about the Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official or the State’s Attorney of **Boone county**.*

Print Name: _____

Employee Signature: _____

Date: _____

RESOLUTION #2022-7:

**RELEASE OF CERTAIN EXECUTIVE
SESSION MINUTES PURSUANT TO 5 ILCS 120/1 Et. Seq.**

WHEREAS, the Corporate Authorities of the City of Belvidere have met, from time to time, in executive session for purposes authorized by the Illinois Open Meetings Act (5 ILCS 120/1 et seq.) (Hereinafter the Act); and

WHEREAS, pursuant to the Act, the Mayor and City Council have met in closed session to review the minutes of all closed sessions to determine if it is necessary to protect the public interest, or the privacy of any individual, by keeping said minutes confidential; and

WHEREAS, the Mayor and City Council determined that a need for confidentiality still exists as to the executive session minutes identified on the attached Schedule A; and

WHEREAS, the Mayor and City Council determined that the minutes of the meetings listed on the attached Schedule B no longer require confidential treatment and should be made available for public inspection.

IT IS THEREFORE RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF BELVIDERE AS FOLLOWS:

Section 1: The Executive Session minutes from those meetings set forth on Schedule B, attached hereto and incorporated herein are hereby released. The City Clerk is hereby authorized to make said minutes available for public inspection and copying in accordance with the standing procedures of the office of the City Clerk.

Section 2: The City Clerk is also authorized and directed to destroy the verbatim record, if any, of the executive sessions identified in Schedule B for destruction, but only in compliance with Section 2.06 of the Open Meetings Act (5 ILCS 120/2.06).

Ayes:

Nays:

Absent:

Date Approved:

By: _____
Mayor

Attest: _____
City Clerk

SCHEDULE A

October 26, 2020
October 19, 2020
August 3, 2020
February 1, 2021
May 10, 2021
August 2, 2021
October 11, 2021

SCHEDULE B

January 19, 2021
June 7, 2021
June 14, 2021
June 28, 2021