

September 8, 2004

Minutes of the regular meeting of the Board of Trustees of the Skokie Public Library held in the Skokie Public Library Board Room, Wednesday, September 8, 2004.

CALL TO ORDER

John Graham, President, called the meeting to order at 7:30 p.m.

Members present: John Graham, President; Zelda Rich, Secretary; Diana Hunter; Eva Weiner; Susan Greer; and Carolyn A. Anthony, Director.

Members absent: Richard Witry, Vice President and Dr. John M. Wozniak.

Guest present: Barbara A. Kozlowski, Associate Director for Public Services.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 11, 2004

Mrs. Hunter made a motion, seconded by Mrs. Rich, to approve the minutes of the regular meeting of August 11, 2004, subject to additions and/or corrections. There being no additions or corrections, the minutes were approved and placed on file. Mrs. Greer abstained from voting.

CONSENT AGENDA (Financial Statements; Circulation Report; Library Use Statistics; Report(s) from Department Head(s); Personnel)

Mrs. Rich made a motion, seconded by Mrs. Hunter:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE FINANCIAL STATEMENTS, SUBJECT TO AUDIT, AND THAT THE FOLLOWING CONSENT AGENDA ITEMS BE PLACED ON FILE:

1. CIRCULATION REPORT
2. LIBRARY USE STATISTICS
3. REPORT(S) FROM DEPARTMENT HEAD(S)
4. PERSONNEL: TERMINATION: ABID BAIG, PART-TIME TECHNOLOGY ASSISTANT, ADULT SERVICES DEPARTMENT, EFFECTIVE AUGUST 20, 2004.

The motion passed unanimously.

BILLS

Mrs. Rich made a motion, seconded by Mrs. Greer:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE BILLS FOR PAYMENT, SUBJECT TO AUDIT.

The roll call vote for approval was unanimous.

LIST OF BILLS FOR PAYMENT APPROVAL

Mrs. Hunter made a motion, seconded by Mrs. Rich:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE LIST OF BILLS FOR PAYMENT APPROVAL, SUBJECT TO AUDIT.

The roll call vote for approval was unanimous.

APPROVAL OF PAYMENT TO CAMOSY FOR PHASE II PARKING LOT AND RETAINING WALL

Mrs. Anthony presented an invoice from Camosy in the amount of \$57,986.00 for the balance of the contract for the Phase II Parking Lot, repair of the Retaining Wall and fence installation. Mike Lukich of Gewalt Hamilton has affirmed that the Village has signed off on the work and that everything has been completed to the engineer's satisfaction.

Although this request is accompanied by partial waivers of lien, Todd Peyron of Camosy has the final waivers that he will exchange in person for the check.

The Library will still owe Camosy for the amount of the changes if approved by the Board.

Mrs. Rich made a motion, seconded by Mrs. Hunter:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE APPLICATION AND CERTIFICATE FOR PAYMENT FROM CAMOSY, INCORPORATED FOR \$57,986.00 DATED AUGUST 31, 2004 PAYABLE WHEN THE LIBRARY HAS FUNDS AVAILABLE.

DIRECTOR'S REPORT

USAGE---Circulation was up just over 4% for August, with healthy gains in the circulation of books, audio and video formats to adults as well as in circulation on the

Mobile Library. The gate count was about the same as last year, though circulation to reciprocal borrowers is up. Use of self-check is up nearly 50%, but it still accounts for less than 12% of check-outs. Sixteen volunteers worked 136.5 hours this month.

GRANTS---The Library has been selected for a Nextbook Jewish literature grant in the amount of \$1500. We will present a series of five book discussions on a theme, with the discussion led by a local scholar. Cheryl Sachnoff will be the Project Director. We are also one of five libraries in the Chicago area selected to participate in a grant funded by the National Library of Medicine to further patient safety. Organized by the Galter Health Sciences Library and Consumers Advancing Patient Safety, each library is paired with a hospital and we will work with Rush North Shore Hospital. The goals of the grant are to improve communication among key players regarding patient safety awareness and healthcare information and to improve consumer awareness about patient safety and healthcare resources. Patient safety programs for community awareness will be presented in the Library; a tool kit will be compiled to be used by libraries in building a patient safety partnership and awareness program; and a Web site on patient safety will be developed and maintained. Kate Zlotnikova, selector of medical books, will work on the project for SPL. Finally, Oakton Community College has received a grant for programming on Isaac Bashevis Singer and has asked that one of the film programs be presented at the Skokie Public Library this winter. Participation in the latter two grant projects is in keeping with one of our Goals for the current period which is to “interact with individuals, groups and institutions in Skokie to partner with them in service development.”

CARPET WARRANTY---We have experienced some problems with bubbling of the carpet in locations on the first and second floors. There is also some discoloration of carpet along the seam on the south side of the west building. After the installer came out a couple times to eliminate carpet bubbles, it was decided to contact the manufacturer. A representative of Invison Carpet flew into town and, together with the installer, the architect, a representative from the Maintenance Department and Mrs. Anthony, toured the Library, looking at bubble locations. The manufacturer’s representative explained that many factors could contribute to such a problem and they pledged to investigate thoroughly and stand by their warranty. They are involving DuPont, as the maker of the backing, in their investigation.

FAIR LABOR STANDARDS ACT REVIEW---Amendments to the Fair Labor Standards Act went into effect August 23, 2004. We have been reviewing with our attorneys implications of the changes that might affect working and overtime policies at

the Library. Mrs. Anthony will bring recommendations to the Board when this review is completed.

MEDICAL INSURANCE CLAIM---The planned meeting between the fiscal agent and health care provider which had been scheduled for late August had to be postponed so Mrs. Anthony had no news regarding the resolution of the claim.

MARKETING COMMITTEE---Mrs. Anthony has named a new Marketing Committee that will work on development of a Marketing Plan for the Library, assisted by Marketing Consultant Alexis Sarkisian. The Committee will assess whom the Library is serving and whom we are reaching with various communication tools. We will look for ways to extend our reach in the community and to maximize both the effectiveness and cost-effectiveness of our communications. The Committee will have its first meeting September 14. Diana Hunter will represent the Board on this Committee.

ARCHKIDECTURE RECEPTION---The Board is reminded of the reception September 9 at 4:30 for the opening of the ArchKIDecture exhibit in the Youth Services Department. The exhibit will be up throughout September and October. OWPP and Fred Berglund & Sons contributed to the funding of the exhibit.

Mrs. Rich and Mrs. Greer said they would be attending the reception.

LIBRARY CARD CAMPAIGN---The Youth Services Department is promoting library card registrations for young children this fall with a "Bank on Books" theme. Children up through 5th grade who sign up for a library card will receive a plastic savings bank in the shape of a crayon. The bank has the Library's name and logo and also that of North Shore Community Bank which has underwritten the cost of the banks.

COLLECTION REPORTS---Last month, one of the Board members inquired how much money the Library has taken in due to the efforts of our collection agency. To date, of items that have gone to collection, we have received \$123,048.52 and had \$30,465.18 in materials returned. While we cannot know what we might have recovered without the efforts of the collection agency, our lack of success with long overdues is what led us to begin use of the outside firm. Unique specializes in library collections and Mrs. Anthony has not had a single complaint from a person who received one of their notices.

Mrs. Hunter said that some of the east windows have moisture in between the two panes of glass. Mrs. Anthony will check into this.

CAMOSY CHANGE ORDER REQUEST

August 11, Mrs. Anthony received a request for a change order for a net \$25,266. from Camosy for additions to the parking lot contract. The contract with Camosy, approved by the Board in June, 2003, was for \$151,901. and included repair of the retaining wall, fencing, curbing and development of phase II of the parking lot. This work was not overseen by Berglund, but was coordinated by the engineering firm of Gewalt Hamilton.

In summary, the change orders are for:

Parking lot lighting	\$17,218.00
Wheel stops	\$2,926.00
Adjustment to accommodate light	\$1,319.00
Asphalt cut and repair on condo side	\$1,809.00
Additional curb and gutter on Park Ave	\$1,072.00
Half cost for delay in finishing parking lot	\$2,842.00
Credit for 60LF of curb and fence adjustment	<u>-\$1,920.00</u>
	\$25,266.00

As work was proceeding last fall, Mrs. Anthony became aware of some of the changes that developed in the field. Repair of the wall necessitated more digging and disruption of the asphalt on the condo side than had been anticipated. Getting equipment to the wall required movement of wheel stops on the condo side as well. Some were in such bad repair that we replaced them, rather than run the risk of damage to the new fence we were installing. We agreed to the delay in finishing the parking lot, convinced that allowing the lot to settle over the winter before a final rolling, coating and re-stripping, would ultimately give us a more level surface.

Unfortunately, neither Gewalt Hamilton nor Camosy communicated that the lighting had not been accounted for in the original bid. Mrs. Anthony expressed to Todd Peyron of Camosy her dismay that he had received a quote from Meade Electric for the lighting in September, 2003, but did not present it to the Library until August, 2004. Mike Lukich of Gewalt Hamilton differed with Camosy on unit pricing for some of the work. Todd Peyron agreed to reduce the requested change order by \$3,466. to \$21,800.00.

Camosy did a good job as the General Trades Contractor on our building project and they were fair in their negotiation of issues that arose. Todd Peyron apologized for allowing these change requests to accumulate. Mrs. Anthony recalls last fall that there was a lot of back-and-forth with Camosy, Gewalt Hamilton, the electrical engineer from OWPP and

the Village, trying to finalize plans and get the work done before the asphalt plants closed for the season.

Mrs. Anthony recommends that the change order request for \$21,800. be approved.

Discussion followed.

Mrs. Rich made a motion, seconded by Mrs. Hunter:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES
APPROVE THE CHANGE ORDER TO THE PARKING LOT
CONTRACT FROM CAMOSY IN THE AMOUNT OF \$21,800.

The roll call vote for approval was unanimous.

LOAN FROM THE VILLAGE

Mrs. Anthony distributed a memo from Village Finance Director Bob Nowak to Village Manager Al Rigoni re the short-term loan request from the Library. The text of the proposed Ordinance authorizing the loan was also distributed. This Ordinance came before the Village Board at the meeting Tuesday, September 7 and will again on Monday, September 20.

Key factors to note about the proposed loan are:

- The authorized amount is \$1,500,000.
- Draw requests are to be made in writing on an as needed basis.
- The interest rate is based on the average 90-Day-Treasury-bill yield (currently 1.58%).
- Full repayment, including interest, is due by February 28, 2005, but can be anytime sooner.

Library counsel Heidi Katz has reviewed the proposed Ordinance and has no changes to suggest. Mrs. Anthony requested the Board's approval of the terms of the Ordinance.

Mr. Graham and Mrs. Anthony attended the Village Board meeting on Tuesday, September 7 and were not asked any questions.

After discussion, Mrs. Hunter made a motion, seconded by Mrs. Rich:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES
APPROVE THE ORDINANCE AUTHORIZING A SHORT-TERM TAX

ANTICIPATION LOAN BETWEEN THE VILLAGE OF SKOKIE AND
THE SKOKIE PUBLIC LIBRARY.

The roll call vote for approval was unanimous.

ADOPTION OF TAX LEVY 2004

The Board needs to adopt a tax levy for transmission to the Village of Skokie. The 2004 levy will be introduced as part of the Village's Levy Ordinance in early December and acted on by the Village Board before the end of December. This levy will fund the Library's 2005-2006 Fiscal Year.

The 2003 levy was \$8,486,500., an increase of 5.5% over the 2002 levy of \$8,044,000. The Library's debt payment for construction bonds in FY 2006 will be \$1,444,552.

Collections in the past two years have been short as follows:

FY 2003	\$137,192.	(1.8% of collection)
FY 2004	\$187,614.	(2.3% of collection)

Our working cash position has been tight in recent years because of these shortages and because in FY 2002 we needed to begin payment on the construction debt although we did not begin receiving the 2001 levy with provision for debt payment until FY 2003. Payment on the debt in advance of revenues was \$269,250. in December 2001 and \$403,876. June 1, 2002.

Further contributing to depressed revenues in recent years have been reduced Corporate Replacement Tax collections due to the weak economy and diminished interest earnings. In FY 2004, Corporate Replacement Tax collections were up 24% over FY 2003, hopefully signaling a return to a healthier business climate.

The balance in the Reserve Fund for Sites and Buildings as of May 1, 2004 was \$544,950.48. The Project Fund (bond revenue) was completely spent during the Fiscal Year. The balance in the General Operating Fund at the start of the Fiscal Year was \$2,089,768.14, about \$400,000. less than was in the GOF at the start of the year. This amount is sufficient for a little more than three months operation, short of the four month cushion desired by the Board. Given experience with the delays in the mailing of the property tax bills, we may need to consider an operating cash fund sufficient for at least five months.

The property tax levy continues to provide 90-91% of revenues. A history of Library revenues from FY 2000 through 2004 was distributed.

Mrs. Anthony prepared a general statement of revenues and expenditures for FY 2005-2006, based on a 2004 levy of \$8,995,690., an increase of 6% over the 2003 levy of \$8,486,500. Given that property tax collections in the past two years have been short an average of 2%, this increase should enable us to collect 4% more in taxes than in FY 2005. A 7% increase, netting 5% more would result in a levy of \$9,080,555. The additional \$85,000. would help improve the Library's cash position.

In regard to expenditures, please note that the FICA/IMRF line is projected to increase by 28% in FY '06. This follows an increase of 33% in FY '05 and is due to increasing contributions for IMRF. The rate of employer contributions for 2005 will increase from 5.18% to 7.81%. In FY '04, expenditure for FICA/IMRF was \$469,311. In FY '06, we are projecting an expenditure of \$736,000. for FICA/IMRF, an increase of 57% in just two years.

After discussion, Mrs. Greer made a motion, seconded by Mrs. Hunter:

**MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES
ADOPT AN OPERATING TAX LEVY IN THE AMOUNT OF
\$9,080,555. FOR THE YEAR 2004, REPRESENTING A 7% INCREASE
OVER THE 2003 LEVY.**

The roll call vote for approval was unanimous.

ETHICS/GIFT BAN ORDINANCE

The Library is required by the State to adopt a new ethics and gift ban policy in the form of an "Ethics Ordinance." Mrs. Anthony distributed a letter from Library Attorney Heidi Katz and language as developed by Attorney General Lisa Madigan. Ms. Katz is of the opinion that the Library does not need an Ethics Commission or Ethics Advisor so she suggests deleting Articles 15 and 20.

The various limitations on political activity all apply only to activity conducted on compensated time.

This Ordinance would replace the Skokie Public Library Gift Ban and Ethics Policy adopted by the Board in July, 1999.

After brief discussion, Mrs. Hunter made a motion, seconded by Mrs. Rich:

**MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES
ADOPT THE ETHICS / GIFT BAN POLICY AS PRESENTED BY
LIBRARY LEGAL COUNSEL WITH THE EXCEPTION THAT THE**

WORD 'ORDINANCE' BE REPLACED BY THE WORD 'POLICY'
THROUGHOUT THE DOCUMENT. THIS POLICY REPLACES THE
SKOKIE PUBLIC LIBRARY GIFT BAN AND ETHICS POLICY
ADOPTED IN JULY 1999. (New policy attached)

The motion passed unanimously.

MANAGEMENT PROFILE / SKOKIE PUBLIC LIBRARY / FY 2002-2003

The Management Profile for Skokie Public Library FY 2002-2003 prepared by the Library Research Center at the University of Illinois was noted. The trustees questioned why the salary of a beginning librarian was not included or any other professional staff other than the Head Librarian.

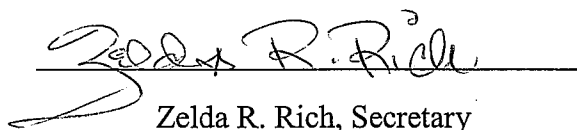
COMMENTS FROM TRUSTEES

Mrs. Hunter finds the new telephone notification system for reserves very disconcerting. The system does not tell you what item is to be picked up or when it was reserved. Mrs. Anthony said as of now it is not possible to change this but she will check if Innovative can modify the system.

Mr. Graham wanted to make it clear that at last month's meeting he was the one who suggested the Director contact local banks regarding a bank loan.

ADJOURNMENT

At 8:07 p.m. a motion was made by Mrs. Rich, seconded by Mrs. Hunter to adjourn the regular meeting. The motion passed unanimously.


Zelda R. Rich, Secretary

**SKOKIE PUBLIC LIBRARY
ETHICS POLICY**

PREAMBLE

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize policy violations; and

WHEREAS, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish policy violations that might otherwise be applicable;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SKOKIE PUBLIC LIBRARY, AS FOLLOWS:

SECTION 1: The Policies of the Board of Trustees of Skokie Public Library are hereby amended to add the following provisions:

ARTICLE 1

DEFINITIONS

Section 1-1. For purposes of this policy, the following terms shall be given these definitions:

"Campaign for elective office" means 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 (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means 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 Election Code (10 ILCS 5/1-3). "Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Collective Bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, 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 Policy, 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" means 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 Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the Skokie Public Library, 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" means the Skokie Public Library.

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

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means 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.

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

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

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

(2) 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

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

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

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

(10) Preparing or reviewing responses to candidate questionnaires.

(11) 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.

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

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

(14) Serving as a delegate, alternate, or proxy to a political party convention.

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

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

ARTICLE 5

PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities. (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Skokie Public Library in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Policy.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 10

GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise

prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this

Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

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

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity. (11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

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

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

ARTICLE 15

[This Article intentionally left blank.]

ARTICLE 20

[This Article intentionally left blank.]

ARTICLE 25

PENALTIES

Section 25-1. Penalties. (a) A person who intentionally violates any provision of Article 5 of this Policy may be punished by a term of incarceration in a penal institution

other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) A person who intentionally violates any provision of Article 10 of this Policy is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Policy to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(d) A violation of Article 5 of this Policy shall be prosecuted as a criminal offense by an attorney for the Skokie Public Library by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Article 10 of this Policy may be prosecuted as a quasi-criminal offense by an attorney for the Skokie Public Library or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Policy is subject to discipline or discharge.

SECTION 2: Repeal of original gift ban provisions. The Skokie Public Library Gift Ban and Ethics Policy as previously adopted by the Skokie Public Library Board of Trustees on July 14, 1999, is hereby repealed.

SECTION 3: This Policy shall be in effect upon its passage and approval as provided by law.

Adopted by the Skokie Public Library
Board of Trustees, September 8, 2004