

CHAPTER 2

ADMINISTRATION

Article 1

2-1 Oaths:

Before entering upon the duties of their respective offices all officers, whether elected or appointed, shall take and subscribe the following oath:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.

This oath, so subscribed, shall be filed in the office of the village clerk.

2-2 Bonds:

Before entering upon the duties of their respective offices, the Village Clerk and Treasurer, shall execute a bond with security to be approved by the corporate authorities. The bond shall be payable to the Village in whatever penal sum may be directed by resolution or ordinance, conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and also by the ordinance of the village.

Article 2

BOARD OF TRUSTEES

2-11 Powers and Duties:

The Trustees, except as otherwise provided, shall perform the duties and exercise the powers as conferred upon the aldermen of a city. They shall pass ordinances, resolutions and motions in the same manner as a city council.

2-12 Composition :

The village Board of Trustees shall consist of the President and six (6) Trustees elected for a four (4) year term. The Board of Trustees shall be the governing body of the Village and shall have the powers and duties prescribed by state law. State Law Reference: Ill. Rev. Stat. 24§3-5 (1977) 24§3-5-4.

2-13 Filling vacancies:

Vacancies occurring in the Board of Trustees shall be filled by the remaining members as provided by state law. State Law Reference; Ill. Rev. Stat. 24§3-5-1 24§3-5-9 (1977)

2-14 Committees:

(a) There shall be such standing committees of the Village Board of Trustees as the Trustees shall from time to time establish by resolution. Each standing committee shall consist of three (3) members of the Village Board of Trustees, who shall be appointed by the President annually.

(b) There shall be such special committees of the Village Board of Trustees as the Trustees shall deem necessary and establish by resolution. Each special committee shall consist of three (3) members of the Village Board of Trustees, who shall be appointed by the President.

2-15 General authority over Departments:

The Board of Trustees shall, by ordinance, determine the powers and duties of and to be performed by each department, shall prescribe the powers and duties of officers and employees and may assign employees to one (1) or more of the departments. The Board of Trustees may also require an officer or employee to perform duties in two (2) or more departments and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the village.

Article 3

PRESIDENT

2-21 The President shall be recognized as the official head of the Village by the courts for the purpose of serving civil process and by the Governor for all legal purposes; he shall be the Chief Executive officer and representative of the village.

2-22 Powers and Duties:

The powers and duties of the President shall be:

- (1) To enforce the laws and ordinances within the village.
- (2) To appoint and remove his administrative assistants and heads of all departments. No such appointment shall be made upon any basis other than that of merit and fitness and in compliance with qualifications established by the Board of Trustees.
- (3) To exercise control of all departments and divisions thereof that may be created by the Board.
- (4) To attend all meetings of the council with right to take part in the discussions, but with no right to vote, except as authorized by paragraph entitled "When President shall vote".

(5) To recommend to the Board for adoption such measures as he may deem necessary or expedient.

(6) To sign all contracts and warrants on behalf of the village and all licenses issued by the village.

(7) To cause to be prepared and published all statements and reports required to be prepared and published by law or by ordinance or resolution of the Board of Trustees.

(8) To perform such other duties as may be prescribed by this article or may be required of him by ordinance.

He shall devote to the duties of his office whatever time the faithful discharge thereof may require.

2-24 Action on Licenses:

Except as otherwise expressly provided, the President shall decide upon all applications for a license required by this Code or other village ordinance, and shall grant or reject the application; but it shall be his duty to grant all such applications when they are in accordance with state law and the ordinances of the village, and the applicant is qualified according to state law and the ordinances of the village to receive the license. The President shall have power, and it shall be his duty, to revoke any license granted by him for a violation of state law or the ordinances of the village pertaining to the licensed business, or for gross misconduct on the part of the licensee; however, the party aggrieved may appeal to the village council at the next regular or special meeting, when, if a majority of the members of the village council shall so vote, the license shall again become valid and of full force for the unexpired term thereof.

Article 4

CLERK

2-31 Bond:

Before entering upon the duties of office the Village Clerk shall execute a bond as provided by this article.

2-32 Powers and Duties:

The powers and duties of the Clerk shall be:

(1) To keep all papers belonging to the Village, the custody and control of which are not given to other officers;

(2) To attend all meetings of the corporate authorities and keep a full record of its proceedings in a journal;

(3) To be ex-officio village collector, to collect and keep proper accounts of all special assessments levied or imposed upon property in the village, and perform such other duties of a collector as may be designated by the Board of Trustees;

(4) To turn over all money received by him on behalf of the Village to the Village Treasurer promptly on receipt of the same, and with such remittance, he shall give a statement as to the source of it;

(5) To be ex-officio clerk of each and every committee and or department of the Board of Trustees and shall perform such duties as they may order when in session or the chairman may direct when the committee or department shall not be in session;

(6) To keep accurate minutes of the proceedings of each meeting of committees, departments, or Board of Trustees and give notice of said meetings to all the members thereof, attend all meetings of the same, and in general do and perform whatever may be required of him by the committees, departments or Board of Trustees;

(7) To provide, at the expense of the Village, a sufficient number of voting booths, ballot boxes or machines, and other election supplies required by law; to give due notice of all regular and special elections and notify the judges thereof of their appointment as such; to notify the President, without delay, the returns of any regular or special election filed by him in accordance with the law.

2-33 Copies of all papers. Evidence in Courts:

Copies of all papers duly filed in his office and transcripts from the journals and other records and files of his office, certified by him, shall be evidence in all courts in like manner as if the originals were produced.

Article 5

TREASURER

2-41 Appointment - Resignation:

The President by and with the advise and consent of the Board of Trustees, may appoint a treasurer.

Such Treasurer may resign from the office. If such Treasurer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a treasurer, or the person appointed fails to qualify, the person

filling the office shall continue in office until his successor has been chosen and has qualified.

2-42 Bond:

Before entering upon the duties of his office, the Village Treasurer shall execute a bond as provided by this article.

2-43 Duties:

It shall be the duty of the Treasurer the following:

(1) To receive all money belonging to the Village, and keep his books and accounts in the manner prescribed by ordinance. These books and accounts shall always be subject to the inspection of any member of the Village Board of Trustees; to keep a separate account of each fund or appropriation; and the debits and credits belonging thereto.

(2) To give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid. He shall file copies of these receipts with the Clerk, with his monthly report. If he has in his possession money properly appropriated to the payment of any warrant lawfully drawn upon him, he shall pay the money specified in this warrant to the person designated by the warrant.

Article 6

CORPORATION COUNSEL

2-51 Appointment:

The Village Board of Trustees in its discretion, may provide by ordinance for the appointment of a corporation counsel. Such appointment may be made by the President of the Board with approval of the Board of Trustees, said approval to be by two-thirds (2/3) vote of all the Board of Trustees.

By ordinance or resolution, to take effect at the end of the current fiscal year, the Board of Trustees, by a like vote, may discontinue the office so created and dissolve the duties of that office. After such discontinuance, no officer filling any office so discontinued shall have any claim against the Village for salary alleged to accrue after the date of discontinuance.

2-52 Duties, Generally:

(a) The corporation counsel shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Village on behalf of the

Village, or in the capacity of such person as an officer of the Village.

(b) It shall be the duty of the corporation counsel to see to the full enforcement of all judgments or decrees rendered or entered in favor of the Village and of all similar interlocutory orders.

(c) The corporation counsel shall be the legal advisor of the Village, and shall render advise on all legal questions affecting the Village whenever requested to do so by the Village official. Upon request by the President or by the Board of Trustees, the corporation counsel shall reduce any opinion to writing.

(d) It shall be the duty of the corporation counsel to draft or supervise the phraseology of any contracts, leases or other documents or instruments, to which the Village may be a party; and upon request by the Board of Trustees, to draft ordinances covering any subjects within the power of the Board of Trustees.

(e) It shall be the duty of the corporation counsel to see to the completion of all special assessment proceedings and condemnation proceedings.

2-53 Rules of Procedure-Generally:

The Board of Trustees shall adopt rules governing its order of business and prescribing the manner in which legislation shall be considered, which rules not be inconsistent with state law, this Code and other village ordinances.

2-54 Compensation:

All officers and employees of the Village shall receive such salaries, fees or compensation as may be provided from time to time by ordinance. All salaries, fees, or other compensation, after they are once fixed, shall not be increased or diminished, so as to take effect during the term of any elected village office. State Law Reference, Ill. Rev. Stat. chapter 24§3-13-1.

2-55 Fiscal year:

The fiscal year of the Village shall end on April 30 and begin on May 1 of each year.

2-56 Claims against the Village:

No claim or account against the Village, except for the salaries of village officers and personnel or for the payment of a special contract made by the Board of Trustees shall be considered,

audited or allowed, nor shall any warrant be issued for the payment thereof, unless the person presenting the claim, or his agent, shall make oath before some officer duly authorized by law to administer oaths, that the claim or account is true, just and correct and that the charges therein are reasonable; nor shall a warrant be issued until the claim or account has been referred to and examined by the Village Board of Trustees, at which time the claim or account shall be acted upon by the said Board of Trustees.

Article 7

MEETINGS

2-61 Regular meetings:

(a) The regular meetings of the Board of Trustees shall be held on the first Monday of every month in the meeting room of the Fire Department; however, if the meeting date should occur on any date declared by the state or federal government to be a holiday, the meeting shall be on the next secular day following.

(b) At the last meeting of the fiscal year, the Board of Trustees shall prepare a schedule showing all of its proposed regular meetings for the next fiscal year. The schedule shall state the regular dates, times and places of the proposed regular meetings of the Board of Trustees.

(c) The schedule shall, by the first day of the fiscal year, which it represents, be posted on the exterior door of the building in which the meetings shall be held.

(d) The Board of Trustees shall provide copies of the schedule of meetings required by this section to any local newspaper of general circulation or to any local radio or television station that has filed an annual request for such notice.

(e) If a change is made in regular meeting dates, at least 10 days notice of such change shall be given by posting notices of such change in at least 3 prominent places within the Village, one notice of which shall be posted at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice.

(f) All such meetings shall be open to the public, except as provided by law.

2-62 Special Meetings:

(a) Special meetings of the Board of Trustees shall be called by the President or any 3 Trustees upon a written notice to every member of the Board of Trustees. It shall be the duty of the Clerk when given copies of the notices, to serve them or to

cause them to be served immediately.

(b) Public notice of any special meeting, of a re-scheduled regular meeting, or of any reconvened meeting shall be given at least 24 hours before such meeting. However, this requirement of public notice of reconvened meetings does not apply to any case where the meeting is to be reconvened within 24 hours nor to any case where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

(c) Public notice of such meetings shall be given by posting a copy of the notice at the building in which the meeting is to be held.

(d) A notice of special reconvened or rescheduled meetings shall be given to any local newspaper of general circulation or any local news media that has filed an annual request for such notice.

2-63 President to Preside:

The President shall preside at all regular and special meetings of the Board of Trustees. In the absence of the president, the Trustees may elect a Trustee to act as temporary chairman or president pro tem. Such temporary chairman or president pro tem shall have only the powers of a presiding officer and a right to vote in his capacity as trustee on any ordinance, resolution or motion.

2-64 When President shall vote:

The President shall not vote on any ordinance, resolution or motion except:

(a) When the vote of the trustees has resulted in a tie.

(b) When one-half (1/2) of the trustees elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote.

(c) Where a vote greater than a majority of the Board of Trustees is required to adopt an ordinance, resolution or motion. Nothing in this section should deprive an acting president or president pro tem from voting in his capacity as trustee, but he shall not be entitled to another vote in his capacity as acting president or president pro tem.

2-65 Resolutions - Motions:

All resolutions and motions (1) which create any liability against the village, or (2) which provide for the expenditure or appropriation of its money, or (3) to sell any village or school property, passed by the Board of Trustees shall be deposited with the Village Clerk. If the President approves them, he shall sign them. Those of which he disapproves he shall return to the Board of Trustees, with his written objections, at the next regular meeting of the board occurring not less than five (5) days after their passage. The President may disapprove of any one or more sums appropriated in any resolution or motion making an appropriation, and, if so, the remainder shall be effective. However, the President may disapprove entirely of a resolution or motion making an appropriation. If the President fails to return any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of his signature. State Law Reference, Ill. Rev. Stat. 24§5-3-2 (1977)

2-66 Reconsideration - Passage over veto:

Every resolution and motion, which is returned to the Board of Trustees by the President, shall be reconsidered by the Board. If, after such reconsideration, two thirds of all the trustees then holding office on the village board agree to pass such resolution or motion, notwithstanding the President's refusal to approve it, then it shall be effective. The vote on the question of passage over the president's veto shall be by yeas and nays, and shall be recorded in the journal.

No vote of the Board of Trustees shall be reconsidered or recinded at a special meeting, unless there are present at the special meeting as many trustees as were present when the vote was taken.

2-67 Disturbing meetings:

It shall be unlawful to disturb or interrupt any regular or special meeting of the village board. Any person violating this section shall be punished as prescribed in "Penalties for Violation of this Code", and may be summarily ejected from the room and the building in which such meeting is being held.