

## CHAPTER 2

### VILLAGE ADMINISTRATIVE FUNCTIONALITY CODES

#### ARTICLE I: GENERAL

##### Sec. 2-0. GENERAL - APPLICABILITY.

The provisions of this chapter shall apply to all persons residing in or visiting the Village of Orangeville, present and future, who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the articles of this chapter.

##### Sec. 2-1. GENERAL - PURPOSE.

A. The purpose of this chapter is to establish reasonable, comprehensive, and functional officer (elected and appointed) and infrastructure codes and policies for the Village to include: the President and Board of Trustees, the Village Clerk, the Village Treasurer, any attorney retained by the Village, and the infrastructure offices and supervisors defined herein.

B. It is intended that these codes shall help protect and preserve the character of the Village with a consideration toward conserving the community's public health, safety, and welfare, while providing the best possible wholesome community environment.

##### Sec. 2-2. GENERAL - TERMS AND DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply to the terminologies indicated whenever they are used in this chapter, unless the context clearly indicates or requires a different meaning:

**AGENDA.** The term "Agenda," when used herein, shall mean a meeting program and list of things to be discussed and dealt with at a Village board or committee meeting.

**BOARD.** The term "Board," when used herein, shall mean the elected and/or appointed Village Board of Trustees.

**COMMITTEE.** The term "Committee," when used herein, shall mean any of those committees designed by the Village President to conduct the Village's business, both legislative and administrative.

**CORPORATE SEAL.** The term "Corporate Seal," when used herein, shall mean that official seal of the Village.

**INFRASTRUCTURE.** The term “Infrastructure,” when used herein, shall mean those municipal programs that provide water, sewer, and street services, as well as those offices that provide community administrative services.

**NON-HOME RULE.** The term “Non-Home-Rule,” when used herein, shall mean a type of governmental management and authority defined in the Illinois Constitution that applies to Illinois communities with a population of less than 5,000.

**OFFICER.** The term “Officer,” when used herein, shall mean a person elected or appointed to either the Village Clerk, Treasurer, and/or President positions provided for under the non-home rule guidelines.

**PRESIDENT.** The term “President,” when used herein, shall mean the chief elected officer of the Village. Also known as Mayor.

**PRESIDENT PRO-TEM.** The term “President Pro-Tem,” when used herein, shall mean a Trustee who has been selected by the Board of Trustees to act as the Village President during the absence of the same.

**QUORUM.** The term “Quorum,” when used herein, shall mean that a sufficient, proper, and required number of Village officials are present at a Village meeting to properly vote on issues and matters presented for consideration.

**ROBERT’S RULES OF ORDER.** The term “Robert’s Rules of Order,” when used herein, shall mean those specific procedural guidelines utilized by the Village Board to control and manage the administrative actions and responses of a Village meeting.

**SUPERINTENDENT.** The term “Superintendent,” when used herein, shall mean that person who has been designated to be the head of any one of the Village’s service departments.

**TAX INCREMENT FINANCING (TIF).** The term “Tax Increment Financing,” when used herein, shall mean that fiscal program provided by State statute allowing communities to use tax abatement as a tool to deal with community economic development and revitalization.

**TRUSTEE.** The term “Trustee,” when used herein, shall mean any or all of the six persons elected or appointed to serve as the Village’s Board of Trustees.

**Sec. 2-3. GENERAL - FORM OF GOVERNMENT.**

Under the “non-home-rule” statutes of the Illinois Constitution outlined in the Illinois Municipal Handbook, the Village of Orangeville declares that it has adopted the Trustee-Village form of municipal government as its source of statutory power and authority.

Sec. 2-4. GENERAL - SEAL ADOPTED.

The corporate seal of the Village shall be a circular disc with the words "UNDER GENERAL LAW, 1872, SEAL" in the center, and the words "CORPORATION OF ORANGEVILLE 1867, STEPH. CO. ILL." around the outer edge thereof.

Sec. 2-5. GENERAL - FISCAL YEAR.

The fiscal year of the Village shall begin on the first day of May of each year and end on the last day of April of the following year.

Sec. 2-6. GENERAL - MUNICIPAL INSURANCE.

The Village shall maintain adequate risk management and loss coverage insurance protection for its municipal operations. All contracts for risk management and loss coverage insurance protection shall be implemented by Village ordinance. This provision shall in no event invalidate any agreement or contract for insurance.

Sec. 2-7. GENERAL - ELECTION PROCEDURE; TIME.

Village elections for municipal officers shall be held on the first Tuesday in April in odd-numbered years except when it conflicts with Passover holiday, when it is held on the first Tuesday following the last day of Passover. Specifically, candidates for the office of the Village President shall be placed on the Village ballot once every four years, and normally one-half of the number of the Trustee positions shall be placed on the Village ballot every two years, with those positions alternating with the other half every two years. ILCS 5/3.1-10-50 shall govern the exception to said normal placement of Trustee candidates on the ballot every two and four years.

Sec. 2-8. GENERAL - SEVERABILITY.

The articles, paragraphs, sentences, clauses and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this chapter.

Sec. 2-9 through Sec. 2-16. RESERVED.

## **ARTICLE II: VILLAGE INFRASTRUCTURE**

### **Sec. 2-17. INFRASTRUCTURE - MAINTENANCE DEPARTMENT.**

There is hereby created a Maintenance Department, which shall be headed by a full-time, exempt "Maintenance Superintendent" who shall be responsible to the Village President. The Maintenance Superintendent shall be solely responsible for administering the Department's policies. The authority of the Department shall encompass maintenance of all of the Village's real property; the water and sewer lines; the potable water supply facilities; the waste water treatment facilities; street lighting, streets, alleys, sidewalks, and municipal parks; all related Maintenance Department equipment; and the implementation of all applicable Village policies. The Maintenance Superintendent shall have supervisory capacity over any other department employees. All department policies, operating procedures, and personnel duties and responsibilities shall be defined in a Standard Operating Procedures manual created and maintained by the Maintenance Superintendent.

### **Sec. 2-18. INFRASTRUCTURE - WATER-SEWER DEPARTMENT.**

There is hereby created a Water-Sewer Department which shall be headed by a licensed, part-time, non-exempt "Water-Sewer Superintendent" who shall be responsible to the Village President. The Water-Sewer Superintendent shall be solely responsible for administering the Department's policies. The Department's authority shall encompass all aspects of the testing of the Village's potable water supply and its wastewater treatment process, the reporting of any required test results to the appropriate agency office, and the implementation of all applicable Village policies. The Water-Sewer Superintendent shall have supervisory capacity over any other department employees. All department policies, operating procedures, and personnel duties and responsibilities shall be defined in a Standard Operating Procedures manual created and maintained by the Water-Sewer Superintendent.

### **Sec. 2-19. INFRASTRUCTURE - POLICE DEPARTMENT.**

There is hereby created a Police Department. The Department shall be headed by a "Police Coordinator" who shall be responsible to the Village President. The Police Coordinator shall administer the department's policies and have supervisory capacity over the department's full-time and part-time employee positions whose titles, job descriptions, and duties shall be defined in the department's Protocol Book. The authority of the Police Department shall encompass oversight of all of the Village's law enforcement issues and police officer disciplinary matters; its public safety issues; the Village's traffic codes; all related Police Department infrastructure, and the implementation of all applicable Village policies and certain licenses and permits.

### **Sec. 2-20 through Sec. 2-30. RESERVED.**

### **ARTICLE III: OFFICERS AND EMPLOYEES GENERALLY (OEG)**

#### **Sec. 2-31. OEG - QUALIFICATIONS.**

To be eligible for election or appointment to a Village office, a person must: be a citizen of the United States; be a qualified elector of the municipality; have resided therein at least one (1) year preceding appointment; not be in default or delinquency to the Village on any bill, fine, assessment or obligation; not have been convicted of a felony; and if available, have sufficient basic knowledge and abilities as are called for in the position's job description.

#### **Sec. 2-32. OEG - APPOINTMENTS.**

The President shall have the authority to appoint, with the advice and consent of the Board of Trustees, all Village officers and employees whose appointment is not provided for otherwise. The Village President shall then cause a "Certificate of Appointment" to be issued for all officers under corporate seal attesting to said appointment. The certificate shall be signed by both the Village Clerk and the Village President and shall be kept on file at the Village Hall. A duplicate copy of the "Certificate of Appointment" may be issued to the new appointee, if requested.

#### **Sec.2-33. OEG - APPOINTED/ELECTED OFFICERS; TAKING OFFICE.**

Terms of newly appointed or elected officers or new terms of re-appointed or re-elected officers shall begin upon inauguration, which shall be signified by the taking of the Oath of Office at the first regular or special meeting following such election, or after taking the Oath of Office to fill an unscheduled vacancy nomination and confirmation.

#### **Sec. 2-34. OEG - TERM OF OFFICE; VACANCIES.**

All appointed officers shall serve at the pleasure of the Village President, and will not have a term of office that exceeds that of the Village President. In case of a vacancy in any such office, it shall be filled in the same manner as such appointment or selection was made in the absence of any provision to the contrary.

#### **Sec.2-35. OEG - REMOVALS.**

Any officer or employee appointed by the Village President may be removed from office by him; provided, however, that a statement of such removal, with the reasons therefor, shall be given to the Board of Trustees at their next meeting following such removal.

#### **Sec. 2-36. OEG - MONIES RECEIVED.**

Every officer of the Village shall at least once each month turn over all money received by

him or her in his or her official capacity to the Village Clerk with a statement showing the source from which the same was received. All parties concerned in the chain-of-custody of said monies shall implement appropriate receipts with signature to validate and sustain the chain-of-custody of said transaction.

Sec. 2-37. OEG - OATH.

All officers of the Village, whether elected or appointed, before entering upon their duties of office, shall take or affirm the Illinois State oath. All oaths shall be documented with a certificate and said certificate shall be on file in the office of the Village Clerk. The Village Clerk shall be the primary administrator of oaths, while the Village President shall be the alternate.

Sec. 2-38. OEG - COMPENSATION.

All appointed officers and employees of the Village shall receive such compensation for services rendered as may from time-to-time be provided for by ordinance. See Articles IV through VI for specific compensations by office/position.

Sec. 2-39. OEG - EXPENSE REIMBURSEMENT.

Village Board members are authorized only pre-approved reimbursement through "bills payable" and not compensation for actual expenses incurred during the conduct of their office in representing the Village.

Sec. 2-40. OEG - ASSIGNMENT OF DUTIES.

A. The President shall have the authority to assign to any appointed officer any duty which is not assigned by ordinance to some other specific officer, and shall determine disputes or questions relating to the respective authority of or duties of officers.

B. The Village President shall, if desired, have created and issue job descriptions for all appointed and contracted positions in the Village. Said job descriptions shall, at a minimum, contain the information recorded in the applicable Sections contained herein for the positions identified, as well as a list of qualifications, education and experience requirements, and a description of the position's required basic knowledge and abilities, primary duties, and any additional duties.

C. The Village President shall, from time-to-time, ensure that all job descriptions are updated to reflect changes in a position's duties and responsibilities, as well as changes in technology and function.

Sec. 2-41. OEG - TRAINING.

A. All elected and appointed village officials, upon assumption of office or position, shall participate in either an approved state training program and/or a Village training program for the duties and responsibilities of their office or position. The Village President shall be responsible for ensuring all elected and appointed Village officials participate in the appropriate course of instruction as soon as is practical after assuming office or position and that said training is documented and recorded with the Village Clerk.

B. The Village President shall also be responsible for having said training program developed and implemented as is required. Copies of the program outline and content shall be kept on file in the office of the Village Clerk.

Sec. 2-42. OEG - JOB DESCRIPTIONS.

All Village offices and positions shall have an approved job description for the person who performs the duties and responsibilities for said office or position. Job descriptions shall be subject to an annual review, revised as deemed appropriate or necessary, and be maintained by the office of the Village Clerk. The duties and responsibilities of Village offices and positions contained elsewhere herein shall not be considered to be a job description, nor a substitution of or for the same.

Sec. 2-42. OEG - RECORDS.

All records kept by any officer of the Village shall be open to inspection by the Village President, or any member of the Board of Trustees at all reasonable times, regardless of whether such records are required to be kept by statute or ordinance.

Sec. 2-43. OEG - SURETY BOND.

A. Every officer and employee shall, if required by the Board of Trustees, upon entering the duties of office, give a bond in such amount and with such sureties as may be determined by such Board, conditioned upon faithful performance of the duties of office or position. The cost of said bond is to be paid by the Village.

B. Whenever a bond to indemnify the Village is required as prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit, or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in this state as a surety company, unless there is a specific provision to the contrary by ordinance, or the Board of Trustees by majority vote accepts a personal surety. Whenever in its opinion additional sureties or an additional surety or additional sureties may be needed on any bond to indemnify the Village against any loss or liability because of the insolvency of the existing surety or sureties or for any other

reason, the Board of Trustees may order a new surety or sureties to be secured for such bond. If such new surety or sureties is/are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his assignees, the Board of Trustees shall declare the bond to be void, and thereupon such principal or assignee shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

Sec. 2-44. OEG - TERMINATION OF OFFICE.

Every officer and employee of the Village, upon the expiration of their term for any cause whatsoever, shall deliver to their successor all books, records and material which may be the property of the Village, and if no successor has been appointed within one week after the termination of their office, such property shall be delivered either to the Village Clerk or to the Village Treasurer. In the event the former officer or employee fails to return any or all Village property they are accountable for within the time frame allotted, the Village President may direct the Village Clerk to withhold any and all final compensation due to said officer or employee until such time as said accountable Village property has been properly recovered.

Sec. 2-45. OEG - IMPERSONATION.

It shall be unlawful for any person to impersonate any Village officer or employee.

Sec. 2-46. OEG - INTERFERENCE.

It shall be unlawful to interfere with or hinder any officer or employee of the Village while he is engaged in the duties of his office or employment.

Sec. 2-47. OEG - OFFICIALS AND EMPLOYEES ETHICS.

A. The State Officials and Employees Ethics Act (5 ILCS 430/1-1 et seq.) is in effect as required by Section 70-5 of the Act (5 ILCS 430/70-5).

B. The participation in political activities prohibited under the Act, or the solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, is prohibited by any elected or appointed official or any employee of the Village.

Sec. 2-48 through Sec. 2-53. RESERVED.



## **ARTICLE IV: PRESIDENT AND BOARD OF TRUSTEES**

### **ARTICLE IV, DIVISION 1. PRESIDENT**

#### **Sec. 2-54. PRESIDENT - OFFICE OF.**

In accordance with the provisions of the Trustee-Village form of municipal government guidelines, there is hereby created the Office of the Village President, which shall be filled by a Village President. Said office shall also be known as the Village's Mayoral Office and/or the Village's Office of the Chief Executive Officer. The office shall have bestowed upon it all the authority and privilege commensurate with such office, both customary and as is provided for in the ILCS.

#### **Sec. 2-55. PRESIDENT-COMPENSATION.**

The Village President shall be entitled to a fixed annual compensation package that includes a two-thousand, six-hundred, forty-dollars (\$2,640.00) salary of office. Said compensation shall be disbursed in four (4) quarterly installments during the course of each year of term of office. In the case of an appointed President, said disbursement during the first year of office shall be apportioned to the number of months remaining in the first year of office from the month of inauguration, and thereafter shall be disbursed in four (4) equal installments during the course of each following year of term of office. The amount of said compensation package may only be amended in accordance with the prescribed procedures set forth in 65 ILCS 5/3.1-50-5.

#### **Sec. 2-56. PRESIDENT-ELECTION; TERM OF OFFICE.**

The Village President shall be elected for a term of four (4) years and shall preside over the Village's Board of Trustees.

#### **Sec. 2-57. PRESIDENT-DUTIES.**

The President shall be the Chief Executive Officer of the Village; perform all such duties as may be required by statute and/or ordinance; insure that Village laws and ordinances are faithfully executed; have supervisory authority over all of the executive and legislative offices of the Village; have the authority to inspect all books and records kept by any officer, Trustee, and/or employee at any reasonable time; preside over all regular and special Board meetings and at all times when the Board meets as a committee of the whole; insure all meetings are conducted in accordance with the directives of the Illinois Open Meetings Act; provide the Board of Trustees with information concerning the affairs of the Village; have the authority to impose a "line item veto"; and serve as the Village's Liquor Control Commissioner, Ethics Officer, Purchasing Agent, and chairman of the Village's electoral board.

Sec. 2-58. PRESIDENT-VOTE.

While presiding at Board meetings, the President shall have the vote only when state statutes or Village ordinances require more than a majority vote of the corporate authorities or in the event of a tie or when one-half of the Board members elected have voted in favor of an ordinance, resolution, or motion, even though there is no tie vote.

Sec. 2-59. PRESIDENT-DESIGNATION OF DUTIES.

Whenever there is a dispute as to the respective duties or authority of any officer of the Village, this dispute shall be decided by the President, and the President shall have the power to delegate to any officer any duty which is to be performed when no specific officer has been directed to perform that duty.

Sec. 2-60. PRESIDENT-BOND; OATH.

Before entering upon the duties of office, the President shall execute a bond in the sum of twenty-five thousand-dollars (\$25,000.00) in accordance with the guidelines in Section 2-42. The President shall also take the oath of office as prescribed in Section 2-37.

Sec. 2-61. PRESIDENT-PRO-TEM.

During a temporary absence or disability of the President, the Board of Trustees shall elect one of its members to act as President Pro-Tem of the Board, who during the absence or disability of the President shall perform the duties pertaining to the office. When the absence or disability of the President is to be of a very short duration and no individual is required to be granted the authority of the President, the Board shall elect one of its members Temporary Chairperson. The President Pro-Tem or the Temporary Chairperson, when acting as presiding officer, shall vote on all questions on which the vote is taken by "yeas" or "nays," their name being called last. The President Pro-Tem shall have all the authority and duties of the President; the temporary chairperson shall have only such authority and duties as accrue to a presiding officer.

Sec. 2-62. PRESIDENT-APPOINTMENT TO FILL VACANCY.

If a vacancy occurs in the office of the Village President, the Board of Trustees shall elect one of its members Acting Village President who shall perform the duties and possess all the rights and authority of the Village President until a successor to fill the vacancy has been elected and has qualified at the next general municipal election.

Sec 2-63. PRESIDENT-STATE OF EMERGENCY.

A. The Village President has the authority to declare a state of emergency, as provided for in the Illinois Municipal Code, 65 ILCS 5/11-1-6, and provisions of this Section.

1. The standard for determination of a state of emergency shall be when a dangerous situation or a potentially dangerous situation exists which could cause or has caused wide-spread death or serious injury to individuals within the Village, wide-spread loss of personal and real property within the Village, and/or threatened on a Village-wide basis the health and welfare of the Village's citizens.

2. A signed statement, under oath, finding that the determination of a state of emergency exists with facts substantiating this determination and an executive order declaring the same shall be prepared.

3. The aforementioned statement and executive order shall be filed with the Village Clerk as soon as is practical.

4. The declared state of emergency shall expire not later than the adjournment of the first regular meeting of the Board of Trustees after the state of emergency has been declared.

5. After the declaration of a state of emergency, and until the expiration of said state of emergency, the President shall have powers to issue such executive orders and expend whatever funds necessary, to timely and appropriately respond to the emergency.

B. The President shall cause to be prepared a comprehensive program with supporting plans for the emergency management of the Village of Orangeville, which shall be known as the Village's Emergency Response Program. Said program and its supporting plans shall be integrated into and coordinated with the emergency management programs and plans of the County and State governments, and other political subdivisions. The program shall follow the guidance as outlined in Chapter 14 of this Book of Codes.

Sec. 2-64 through Sec. 2-75. RESERVED.

ARTICLE IV, DIVISION 2. BOARD OF TRUSTEES

Sec. 2-76. TRUSTEE - OFFICE OF.

In accordance with the provisions of the Trustee-Village form of municipal government guidelines, there is hereby created the six (6) offices of the Village Trustee. Said offices shall be collectively known as the Board of Trustees and/or the Village Board and shall be accorded all the authority and privilege commensurate with such offices as are provided for in the ILCS.

Sec. 2-77. TRUSTEE - ELECTION; TERM OF OFFICE.

The six Trustee positions shall be elected to office for a period of four (4) years. The provisions of Section 2-5 shall apply.

Sec. 2-78. TRUSTEE - VACANCIES.

In the event one or more Trustee positions shall become vacant for any reason, the Village President shall advertise said vacancy seeking as many applicants as possible. The appropriate Sections of Article III of this Chapter contained herein shall apply to the screening and replacement process.

Sec. 2-79. TRUSTEE - DUTIES.

The Board of Trustees shall be the legislative arm of the Village government, and shall perform such duties and have such authority as may be delegated to it by the Illinois Constitution, the ILCS, and the Village President. Specifically, each Trustee shall be assigned committee responsibilities in accordance with Section 2-107. Once assigned to a specific committee, each Trustee shall be granted legislative jurisdictional authority as defined by the appropriate subpart of Section 2-108. Additionally, all Trustees shall attend all Board meetings and appropriate committee meetings in accordance with the guidance in Article IV, Division 3, Meetings; be available on a reasonable basis to the citizens of the Village; know how to use Robert's Rules of Order and the Illinois Municipal Handbook; and know how to present resolutions and ordinances for consideration.

Sec. 2-80. TRUSTEE - BOND; OATH.

The members of the Board of Trustees are not required to execute a bond, but shall take the oath of office as is prescribed in Section 2-37.

Sec. 2-81. TRUSTEE - COMPENSATION.

Each Trustee shall be entitled to an annual salary of three-hundred, ninety-dollars (\$390.00). Said compensation shall be disbursed in four (4) equal installments during the course of each year of term of office. In the case of an appointed Trustee, said disbursement during the first year of office shall be apportioned to the number of months remaining in the first year of office from the month of inauguration and thereafter shall be disbursed in the same manner and rate as the other Trustee disbursements. The amount of said compensation package may only be amended in accordance with the prescribed procedures set forth in 65 ILCS 5/3.1-50-5.

Sec 2-82 through 2-91. RESERVED.

## ARTICLE IV, DIVISION 3. MEETINGS

### Sec. 2-92. MEETINGS - GENERAL.

All meetings of the Board, including special, adjourning, and committee meetings, except closed sessions thereof, shall be open to the public, as is required by statute. Minutes of all meetings shall be kept, filed with the Village Clerk, posted on the Village web site and made available for public inspection within seven days of approval. All aspects of all meetings shall be governed by the directives of 5 ILCS 120, the Illinois Open Meetings Act and its amendments.

### Sec. 2-93. MEETINGS - ROBERT'S RULES OF ORDER.

Unless specifically authorized by a majority vote of the members of the Board of Trustees, Robert's Rules of Order as revised shall govern the deliberation of the Board of Trustees except when in conflict with any other provision of the Code of Ordinances. The Trustees specifically reserve the right, upon majority vote, to deviate from Robert's Rules of Order.

### Sec. 2-94. MEETINGS - REGULAR.

The regular meetings of the Board of Trustees shall be held on the first Monday of each month at 7:00 p.m. Notices of such regular meetings shall be posted and publicized as required by 5 ILCS 120/2.02 and .03, to include agendas. The meeting place of the Board of Trustees shall be at the Village Hall, unless otherwise ordered by the Board of Trustees.

### Sec. 2-95. MEETINGS - SPECIAL.

A. Special meetings may be called by the President of the Village or any three Trustees by written request or notice being filed with the Clerk at least forty-eight (48) hours prior to the time specified for such meeting.

B. At least twenty-four (24) hours' written notice of such special meeting shall be given by the Clerk to each member of the Board personally if he or she can be found, and if he or she cannot be found, a copy of such notice shall be left in the Board member's mailbox at the Village Hall and the Clerk shall seek to leave telephone messages at the Board member's home and business telephone numbers, with a member of the Board member's household or place of employment. The Clerk shall cause an affidavit showing services of such notice as herein provided to be filed in his or her office at the time fixed for such special meeting, together with a statement of compliance with the notices to members of the media as provided in the Illinois Open Meetings Act, ILCS Ch. 5, Act 120, Sections 2.02, *et seq.*

C. In the case of an emergency, a meeting may be called upon such notice as is

practicable. The meeting may be called by the Mayor or by any three Board members. The convening authority shall notify all other members of the Board, the Clerk, and members of the media who are entitled to such notice.

Sec. 2-96. MEETINGS - COMMITTEE.

Each committee shall conduct its own meetings in accordance with the same guidelines that govern the conduct of regular Board meetings to include agendas and advertising the specific location and date the meeting is to be held. All aspects of the Illinois Open Meetings Act shall apply. Minutes of all committee meetings shall be filed with the Village Clerk and posted on the Village's web site within seven days of approval.

Sec. 2-97. MEETINGS - ATTENDANCE.

The following meeting attendance guidelines shall prevail at all Board and committee meetings.

A. If a quorum of the Board is physically present as required by 5 ILCS 120/2.01, a majority of the Board may allow one (1) member of the Board to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability, (ii) employment purposes or the business of the Board, or (iii) a family or other emergency. "Other means" shall be by either video or audio conference.

B. If a member wishes to attend a meeting by other means, the member must notify the recording secretary or clerk of a particular meeting, before said meeting, unless advance notice is impractical. Attendance by other means is not applicable to closed meetings.

Sec. 2-98. MEETINGS - QUORUM.

A. Each meeting of the Board shall convene at the time appointed for such meetings, as provided by ordinance. The Clerk or, in his or her absence, a member of the Board or a recording secretary shall thereupon immediately call the roll of members. A majority of the corporate authorities (four (4) or more) shall constitute a quorum to do business, but no ordinance shall be passed except upon a favorable vote by a majority of the elected members, as is provided by statute.

B. The following actions of the Board of Trustees require a vote of more than a majority:

(1) *Sale of realty.* Three-fourths (3/4) of corporate authorities, or six (6) votes (ILCS Ch. 65, Act 5, Section 8-76-1)

(2) *Effective date of ordinance.* Two-thirds (2/3) of corporate authorities, or (5) five votes (ILCS Ch. 65, Act 5, Section 1-2-4)

(3) *Modifying a municipal budget.* Two-thirds (2/3) of corporate authorities, or five (5) votes (ILCS Ch. 65, Act 5, Section 8-2-9.6)

(4) *Vacation of a street or alley.* Three-fourths (3/4) of trustees, or five (5) votes (ILCS Ch. 65, Act 5, Section 11-91-1)

(5) *Vote after a protest petition of zoning matters.* Two-thirds (2/3) of trustees, or (4) four votes (ILCS Ch. 65, Act 5, Section 11-13-14)

(6) *Expulsion of trustee.* Two-thirds (2/3) of trustees, or four (4) votes (ILCS Ch. 65, Act 5, Sections 3.1-45-5 and 3.1-40-15)

(7) *Approval of contract over \$1,500.00 without bids.* Two-thirds of trustees, or four votes (ILCS Ch. 65, Act 5, Section 8-9-1)

(8) *Additional .04% street and bridge levy.* Three-fourths (3/4) of trustees, or (5) five votes (ILCS Ch. 65, Act 5, Section 11-81-1 & 2)

C. If no quorum is present, the Board shall not thereby stand adjourned, but the members present shall be competent, by majority vote, to adjourn or recess the Board to another time or date prior to the next regularly scheduled meeting; or

D. If no quorum is present and the members present desire to compel the attendance of absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees. Any absent member who refuses to attend the meeting (or a new meeting to which the members present have adjourned) after personal notice to attend may be fined by the members present a sum not to exceed twenty-dollars (\$20.00) for each occurrence.

#### Sec. 2-99. MEETINGS - AGENDA.

Once convened, the conduct of a regular Board meeting shall be governed by a published agenda. Said agenda shall be available to the public no less than forty-eight (48) hours prior to the convening of each Board meeting. At a minimum, each agenda shall begin with a roll call and be followed by: approval of the previous Board meeting minutes; presentation of bills payable; the Treasurer's report; any correspondence, any public participation; committee reports; any old business; any new business; and if applicable, executive session, before adjourning.

#### Sec. 2-100. MEETINGS - DISTURBANCES AT.

It shall be unlawful for any person to disturb any meeting of the Village Board or of any committee thereof. A disturbance shall be any act or utterance that is objected to by a simple majority of the Board members present. A person deemed to be causing a

disturbance shall be subject to removal by appropriate civil authority. Creating disturbances at subsequent meetings shall be cause for consideration of banishment from Village meetings for a period of up to one (1) year.

Sec. 2-101. MEETINGS - OMA TRAINING.

The Village President shall designate a member or members of the Board to participate in the State's Open Meetings Act compliance training program. Said training is offered on-line at no cost. Individuals shall have thirty (30) days from date of notification to complete the training. Once trained, designees, as long as they remain on the Board, shall be required to re-certify annually.

Sec. 102 through 2-105. RESERVED.

ARTICLE IV, DIVISION 4. COMMITTEES

Sec.2-106. COMMITTEES - STANDING.

The following shall be the standing committees of the Board of Trustees:

- (A) Finance, Economic Development, and Administration;
- (B) Health and Environment;
- (C) Public Safety;
- (D) Streets and Public Sanitation;
- (E) Water and Sewer; and
- (F) Building and Construction.

Sec. 2-107. COMMITTEES - MEMBERSHIP.

All standing committees shall be composed of three (3) members of the Board including the chairperson, unless the Board directs otherwise. All committees shall be appointed by the Village President and confirmed by a majority of the Board. In the event that proposed committee appointments are rejected by the Board, the President shall propose new appointments for Board confirmation until such appointments are confirmed by a majority of the Board.



Sec. 2-108. COMMITTEES - JURISDICTION OF.

The committees of the Village Board shall have the following subject area jurisdictions:

A. Committee on Finance, Economic Development, and Administration. The legislative jurisdictional authority of this Committee shall encompass all Village finance, economic development, and administration issues and records pertaining to: revenue, budgeting, and taxation matters; all Village personnel policies and matters, except for disciplinary matters involving Village police officers, which shall be the jurisdiction of the Village's Public Safety Committee; and the zoning and planning issues of the tax increment financial (TIF) planning, which shall be the jurisdiction of the Building and Maintenance Committee. The Finance, Economic Development, and Administration Committee shall be responsible for the contents of Chapters 1 through 7 herein.

B. Committee on Health and Environment. The legislative jurisdictional authority of this Committee shall encompass all Village health and environment issues pertaining to: the Village and its residents, and any strategic planning needed and necessary to enhance the quality of life of the Village and its residents. The Health and Environment Committee shall be responsible for the contents of Chapters 8 through 10 herein.

C. Committee on Public Safety. The legislative jurisdictional authority of this committee shall encompass all Village law enforcement issues pertaining to: the Village's Police Department policies; the Village's public safety; the Village's traffic codes, and the Village's emergency preparedness and response program; however, the Committee of Finance and Administration shall have jurisdiction over public safety budgetary decisions. The Public Safety Committee shall be responsible for the contents of Chapters 11 through 14 herein.

D. Committee on Streets and Public Sanitation. The legislative jurisdictional authority of this committee shall encompass all Village utility franchises, and streets- and public sanitation-related issues pertaining to appropriate and associated policies for the Village's public buildings, streets, alleys, sidewalks, and other public ways; however, the Village's Water and Sewer Committee shall have jurisdiction over the Village's water, sewer, and wastewater treatment facility issues. The Committee of Finance and Administration shall have jurisdiction over transportation and public improvement budgetary decisions. The Streets and Public Sanitation Committee shall be responsible for the contents of Chapters 15 through 17 herein.

E. Committee on Water and Sewer. The legislative jurisdictional authority of this committee shall encompass all Village water and sewer-related issues pertaining to the appropriate and associated policies for the Village's water and sewer lines and wastewater treatment facility, to include the Village's utility service rates; however, the Committee of Finance and Administration shall have jurisdiction over water and sewer budgetary decisions. The Water and Sewer Committee shall be responsible for the contents of Chapters 18 through 20 herein.

F. Committee on Building and Construction. The legislative jurisdictional authority of this committee shall encompass all Village signage codes; building and construction plans and issues; zoning- and planning-related issues pertaining to tax increment financial (TIF) planning, building code administration and decisions, the issuance of building permits, and comprehensive land use planning pertaining to the future growth and vitality of the Village. The Building and Construction Committee shall be responsible for the contents of Chapters 21 through 24 herein.

Sec. 2-109. COMMITTEES - SPECIAL.

Special committees may be created from time-to-time as are needed by the Board and appointed by the President.

Sec. 2-110 through Sec 2-115. RESERVED.

#### **ARTICLE V: VILLAGE CLERK**

Sec. 2-116. VILLAGE CLERK-OFFICE; APPOINTMENT; TERM

There is hereby created the office of the Village Clerk, which shall be filled by a Village Clerk. Said officer shall be appointed by the Village President with the advice and consent of the Board of Trustees and the Village Clerk shall not hold any other public office in the Village other than that provided for in the ILCS. Said office shall be entitled to all the authority and privilege commensurate with such office as is provided for in the ILCS. The Village Clerk shall serve at the pleasure of the Village President, but not have a term of office that exceeds that of the Village President, and may be re-appointed by subsequent Village Presidents with no limit to time-in-service.

Sec. 2-117. VILLAGE CLERK-BOND; OATH.

Before entering upon the duties of the office, the Village Clerk shall execute a twenty-five thousand-dollar (\$25,000.00) bond in accordance with Section 2-42 and file said bond with the Village Treasurer. The Village Clerk shall take the oath of office as is prescribed in Section 2-37.

Sec. 2-118. VILLAGE CLERK-COMPENSATION.

The current Village Clerk shall be compensated with a non-fixed, exempt, annual salary of seven-thousand, two-hundred, forty dollars (\$7,240.00). Said compensation shall be disbursed in twelve (12) equal installments during the course of each year of term of office and shall be effective upon adoption. Notwithstanding any current Clerk's salary, a newly-appointed Village Clerk's starting salary determination shall be based on the individual's experience and qualifications as defined in the position's job description and shall be agreed

to by the parties concerned at the time of appointment. An ordinance reflecting the change in salary, if any, shall be adopted at the first board meeting following the appointment of a new Village Clerk.

**Sec. 2-119. VILLAGE CLERK-DUTIES.**

The Village Clerk shall: be responsible for insuring that the office of the Village Clerk is capable of and can properly prepare appropriate correspondence, records, and reports from rough copy; compose and type form letters, and compile technical and statistical data from multiple sources; maintain tables, charts, and monthly and quarterly reports, proofread finished manuscripts, and verify final computations; have published any and all approved ordinances; be the custodian of the Village Seal, and all municipal papers, documents and audio recordings not assigned to another officer; be the receiver of any and all municipal revenue other than taxes; be the custodian of the daily bookkeeping and accounting records; make payment of said receipted revenue to the Village Treasurer; ensure the timely and appropriate publication of notices per the Local Improvement Act; exercise general supervision over all officers responsible for the collection or disbursement of municipal revenue; compile and report all information needed for the preparation of the annual appropriation ordinance; keep a record of all the Village's outstanding bonds; and be the Village's board meeting clerk, administrator of oaths, election authority, financial business manager, FOIA authority, the Village Hall mail clerk, and other duties and responsibilities as defined in the position's job description.

**Sec. 2-120. VILLAGE CLERK-VACANCIES.**

In case the office of the Village Clerk shall become vacant for any reason, the President, with the advice and consent of the Board of Trustees, shall appoint a successor as is provided by statute.

**Sec. 2-121 through Sec. 2-125. RESERVED.**

**ARTICLE VI: VILLAGE TREASURER**

**Sec. 2-126. TREASURER-OFFICE; APPOINTMENT; TERM.**

There is hereby created the office of Village Treasurer, which shall be filled by a Treasurer. Said officer shall be appointed by the Village President with the advice and consent of the Board of Trustees and shall not hold any other public office in the Village. The Treasurer shall serve at the pleasure of the Village President, but not have a term of office that exceeds that of the Village President. The Village Treasurer may, however, be reappointed to that position by succeeding Village Presidents with no limit to time in office.

Sec. 2-127. TREASURER-BOND; OATH.

Before entering upon the duties of office, the Village Treasurer shall execute a fifty-thousand-dollar (\$50,000.00) bond in accordance with Section 2-42. The Village Treasurer shall take the oath of office as is prescribed in Section 2-37.

Sec. 2-128. TREASURER-COMPENSATION.

The current Village Treasurer shall be compensated with part-time, exempt, annual salary of three-thousand, three-hundred, forty-dollars (\$3,340.00). Said compensation shall be disbursed in twelve (12) equal installments during the course of each year of term of office and shall be effective upon adoption. Notwithstanding any current Treasurer's salary, a newly-appointed Village Treasurer's starting salary determination shall be based on the individual's experience and qualifications as defined in the position's job description and shall be agreed to by the parties concerned at the time of appointment. An ordinance reflecting the change in salary, if any, shall be adopted at the first board meeting following the appointment of a new Village Treasurer.

Sec. 2-129. TREASURER-DUTIES.

The Village Treasurer: shall be custodian of all municipal funds; shall keep records of his activities and separate books for each fund or appropriation; shall issue receipts for all monies received; shall file copies of said receipts with the Village Clerk; shall pay out money on warrants or bonds signed only by the President or Clerk; shall keep separate accounts for special purpose levied taxes, bond funds, and special assessment funds; shall be personally liable for funds deposited with him; may enter into agreements with regard to deposits, investments and withdrawal of funds; shall make a monthly Treasurer's report which shall be filed with the Village Clerk; prepare records for annual audit and work with auditors; and shall make an annual report which shall be filed with the Village Clerk and the Stephenson County Collector. The responsibility for performing any of the above-defined duties may be delegated by the Treasurer to the Village Clerk with the approval of the Village President.

Sec. 2-130. SPECIAL ASSESSMENT FUNDS.

All monies received on any special assessment shall be held by the Treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued therefore, together with interest thereon, for which assessment was made, and said money shall be used for no other purpose, unless to reimburse the Village for money expended for such improvement. Payments on bonds or vouchers shall be made in accordance with the statutes and the law and the Treasurer shall keep his/her books and accounts in such a manner so that proper proportions in payments of principle and interest can be made and ascertained.

Sec. 2-131. WARRANTS-TRANSFER OF FUNDS.

All warrants drawn on the Treasury must be signed by the following: the Village President, Treasurer, and Clerk. The warrant must state the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid except as may be provided by statute. Money shall not be transferred by the Treasurer from one fund to another after it has been received by him/her, nor appropriated to any other purpose than for which it has been collected or paid, except as may be ordered by the President and Board of Trustees in the manner and form prescribed by statute.

Sec. 2-132 through Sec. 2-137. RESERVED.

**ARTICLE VII: ATTORNEY**

Sec. 2-138. ATTORNEY-COUNSEL.

The President, with the consent of the Board of Trustees, may from time-to-time retain an attorney to represent or advise the Village on legal matters; and he/she may likewise retain special counsel to advise or represent the Village on special matters or to assist the attorney for the Village.

Sec. 2-139. ATTORNEY-SUITS AND ACTIONS.

The attorney shall prosecute or defend any and all suits or actions of law or equity 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.

Sec. 2-140. ATTORNEY-JUDGMENTS.

It shall be the duty of the attorney to see to the full enforcement of all judgments or decrees entered in favor of the Village, and of all similar interlocutory orders.

Sec. 2-141. ATTORNEY-ADVICE.

The attorney shall be the legal advisor of the Village and shall render advice on all legal questions affecting it, whenever requested to do so by any Village Official. Upon request by the President or the Board, he/she shall reduce any such opinion to writing.

Sec. 2-142. ATTORNEY-SPECIAL ASSESSMENTS.

It shall be the duty of the attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

Sec. 2-143 through 2-198. RESERVED.

**ARTICLE III: PENALTY**

Sec. 2-199. PENALTY - AS INDICATED BY ARTICLE.

A. All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication.

B. Violation of specific Sections in Article III as defined shall be grounds for penalty as stated: (1) violation of Section 2-31 shall be grounds for removal from office in accordance with Section 2-35 and revocation of bond in Section 2-43; (2) violation of Sections 2-36, 2-42, 2-45, 2-46, and 2-47 shall be punishable by a fine of not less than ten-dollars (\$10.00), nor more than seven-hundred, fifty-dollars (\$750.00). Each day any violation of the Sections in Article II continues, consecutive or not, shall constitute a separate offense. Regardless of the number of total days of violation, any fine shall not exceed three-thousand-dollars (\$3,000.00).