

## **TITLE III: ADMINISTRATION - GOVERNMENT**

### **CHAPTER 31: OFFICERS AND EMPLOYEES**

#### Section

#### *General Provisions*

31.01 Failure of officers to perform duties

#### *Village Manager*

31.10 Office created

31.11 Qualification of Village Manager

31.12 Appointment and relationship to elected officials

31.13 Compensation and terms of appointment

31.14 Removal of the Manager from office

31.15 Powers and duties

31.16 Bond

31.17 Acting Manager

31.18 Matters directed to Manager's attention

31.19 Authority of other officers

#### *Village Clerk*

31.25 Appointment; term of office

31.26 Duties

31.27 Recording amendments

#### *Village Treasurer*

31.34 Treasurer to be Village Collector

31.35 Term of office

31.36 Bond

31.37 Duties

31.38 Deposit of funds

31.39 Separation of funds

31.40 Report

31.41 Removal from office

#### *Village Attorney and Village Prosecutor*

31.60 Establishment

31.61 Duties

## ***GENERAL PROVISIONS***

### **§ 31.01 FAILURE OF OFFICERS TO PERFORM DUTIES**

The failure of an officer or employee of the Village to perform an official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided in the section creating the duty.

## ***VILLAGE MANAGER***

### **§ 31.10 OFFICE CREATED**

The office of Village Manager is hereby created subject to the provisions of this subchapter.

### **§ 31.11 QUALIFICATIONS OF VILLAGE MANAGER**

The Village Manager shall be chosen by the Village President and Board of Trustees solely on the basis of executive and administrative qualifications with special reference to specific professional education for, actual experience in, and knowledge of accepted practice in respect to the management of local government and to the duties of the office as specified below. The appointment shall be made without consideration of the candidates' race, sex, politics, or religious beliefs. The person appointed to this office need not be a resident of the Village or of the state at the time of appointment. Neither the Village President nor any member of the Village Board shall receive such appointment during their term of office or within two years after the expiration of that term.

### **§ 31.12 APPOINTMENT AND RELATIONSHIP TO ELECTED OFFICIALS**

The Village Manager shall be appointed to an indefinite term of office by a majority vote of the Village Board. The Manager shall, in all cases, be subject to the authority and direction of the Village President and Board of Trustees.

### **§ 31.13 COMPENSATION AND TERMS OF APPOINTMENT**

The rate of compensation of the Village Manager shall be set by the Village Board and may be adjusted from time to time as the Board deems appropriate. Subject to the terms and conditions of state law and this subchapter, the Village Board and the Manager shall enter into an employment contract which specifies in writing the level of compensation of the Manager, fringe benefits including levels of support for the Manager's continuing professional education, agreements for separation pay upon termination of the Manager's employment, other appropriate agreements describing the working relationship between the Manager and elected officials, and the Board's performance expectations for the Manager. This agreement should be reviewed and revised by mutual agreement of the parties at periodic intervals of not more than one year's duration.

## **§ 31.14 REMOVAL OF THE MANAGER FROM OFFICE**

The Village Manager may be suspended by a resolution approved by a majority of the total members of the Village Board which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the Village Manager. The Manager shall have 15 days in which to reply thereto in writing and, upon request, shall be afforded a public hearing, which shall occur not earlier than ten days or later than 15 days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the Village Board by a majority vote of its total membership may adopt a final resolution of removal. The Village Manager shall continue to receive full salary until the effective date of a final resolution of removal.

## **§ 31.15 POWERS AND DUTIES**

The Village Manager shall be responsible to the Village President and Board of Trustees for the proper administration of all affairs of the Village. In discharging this responsibility, the Village Manager shall:

(A) Direct, supervise, and manage all departments, officers, and agencies of the Village, except as otherwise provided by law.

(B) Appoint and when necessary for the good of the service, suspend or remove all Village employees, including department heads, and appointed administrative officers except when otherwise provided for by law. All appointments and removals shall be based solely upon merit and on the qualifications or disqualification of the individuals involved, without regard to race, sex, religious convictions, or political belief or affiliation. The Village Manager may authorize any administrative officer, subject to the Manager's direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office, or agency.

(C) Attend all Village Board meetings. The Village Manager shall have the right to take part in all meeting discussions, but shall not vote. The Village Manager shall be entitled to notice of all regular and special meetings of the Village Board.

(D) Execute on behalf of the Village Board, its policies, enforce its ordinances and resolutions, and otherwise manage the affairs of the Village as directed by the Village Board.

(E) Research and analyze issues and alternatives as well as recommend policies for consideration by the Village Board.

(F) Serve as Village Budget Officer and prepare and submit to the Village Board, by the date set by the Village Board, a recommended annual budget for Village operations and a recommended capital program. When the annual budget or capital program has been approved by the Village Board, the Village Manager shall be responsible for the administration of said budget or capital program.

(G) Submit to the Village Board and make available to the public a complete report on the finances and administrative activities of the Village at the end of each fiscal year.

(H) Evaluate and report, not less frequently than monthly, to the Village Board on the operations of Village Departments. At the direction of the Village Board, the Manager shall conduct studies and submit reports and recommendations to the Village Board.

(I) Keep the Village Board fully advised as to the present financial condition and future needs of the Village.

(J) Advise the Village Board on pending decisions of public policy and recommend to the Board the adoption of such measures as the Manager may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.

(K) Be responsible for acting as the Village's Purchasing Agent and for procurement of commodities and services for all Village departments, officers, and agencies, and promulgate purchasing rules which shall be followed by employees in the procurement of goods and services.

(L) Propose to the Village Board such personnel rules and regulations as the Manager deems necessary to manage the personnel policies of the Village.

(M) Recommend to the Village Board for its adoption a standard schedule of compensation for employee classifications.

(N) Be responsible for the conduct of all collective bargaining processes of the Village, and recommend to the Village Board collective bargaining agreements for consideration in and possible final approval by the Board. The Village Manager shall be responsible for administering all employee organization contracts reached through the collective bargaining process.

(O) Provide staff support services for the Village President and members of the Board of Trustees.

(P) The Manager shall be notified and receive, and shall investigate or have investigated all complaints in relation to matters concerning the administration of the government of the Village, and the services maintained and provided by the Village.

(Q) All officers and department heads shall submit all matters requiring Board action, or attention, to the Manager, who shall submit them to the Village Board with such recommendations as may be deemed necessary. All direction to departments or employees made by the Village Board shall be submitted to the Manager, and the Village Board will then receive the information as to policy and department operations from the Manager. The Village Board will deal with administrative services and functions as much as practical through the Manager. In instances where a request or an inquiry is made directly to an employee by the Village Board member, the Manager should be advised of the matter as soon as possible.

(R) In the event of an accident, disaster or other circumstances creating a public emergency the Manager may award contracts, make purchases and incur other obligations of the Village for the purpose of meeting said emergency up to \$20,000. As soon as practical, the Manager shall file with the Village Board a written statement of such emergency, the necessity for such action and an itemized account of all expenditures.

(S) Perform such other duties as may be specified by law or Village ordinance or as may from time to time be requested by the Village Board.

### **§ 31.16 BOND**

The Village Manager shall be insured by the Village's liability insurance provider in an amount to be set from time to time by the Board, with sureties to be approved by the Board of Trustees. The bond shall be conditioned upon the faithful performance by the Manager of the duties of office and to indemnify the Village for any loss due to any neglect or wrongful act on the part of the Manager. The Village Manager is to be bonded through the current liability insurance provider for the Village. The cost of the bond will be incurred by the Village.

### **§ 31.17 ACTING MANAGER**

If, because of a temporary absence, disability, or illness, the Village Manager is unable to carry out the functions of this office, the Village President and Board of Trustees may appoint a member of the Village's senior administrative staff to serve as acting Manager and carry-out the duties of the Manager during the Manager's absence.

### **§ 31.18 MATTERS DIRECTED TO MANAGER'S ATTENTION**

No citizen or elected officer of the Village shall dictate the appointment of any person to, or their removal from, office by the Village Manager or by any of the Manager's subordinates. Except for the purpose of inquiry, elected Village officers shall deal with the administrative service through the Village Manager. Elected Village officers shall not give orders to any subordinates of the Village Manager, either publicly or privately.

### **§ 31.19 AUTHORITY OF OTHER OFFICERS**

Nothing in this subchapter shall be deemed to diminish or detract from the statutory powers and authority of the Village's elected officials.

## ***VILLAGE CLERK***

### **§ 31.25 APPOINTMENT; TERM OF OFFICE**

The Village Clerk shall be appointed by the Village President subject to the concurrence of the Village Board pursuant to ILCS Ch. 65, Act 5, § 3.1-25-90.

### **§ 31.26 DUTIES**

(A) The Clerk shall keep the corporate seal, to be provided by the corporate authorities, and all papers that belong to the Village the custody and control of which are not given to other officers. The Clerk shall keep a full record of its proceedings.

(B) In addition to the duties provided in this code of ordinances, the Clerk shall perform other requirements and statements as are required by law or ordinance.

*Editor's note: The term "corporate authorities" used in the above section and elsewhere in the code means the Village President and the Board of Trustees.*

***Cross-reference:***

*Village Clerk's duties pertaining to elections, see § 30.01.*

## **§ 31.27 RECORDING AMENDMENTS**

(A) The Village Clerk shall keep at least one copy of the Village Code that he or she shall mark in the following manner:

(1) Whenever an ordinance that amends or makes an addition to this code is passed and approved, the Village Clerk shall note on the margin of the section or sections amended that such amendment has been made, with a reference to the place in the amendment book, hereinafter described, where the amendment may be found; and

(2) In such case of addition, the Village Clerk shall mark in the appropriate place a notation that such addition has been made, with a similar reference to the aforementioned amendment book.

(B) The Village Clerk shall also keep a separate book containing every amendment or addition passed to this code, with a reference on each copy of such amendment or addition as to the place in the record of ordinances where the original ordinance may be found.

(C) The above mentioned records shall be kept in addition to the record of ordinances that the Clerk is required to keep by law.

## ***VILLAGE TREASURER***

### **§31.34 TREASURER TO BE VILLAGE COLLECTOR**

The Village has determined that the most efficient means of operation would be to allow the Village Treasurer to also act as Village Collector.

### **§ 31.35 TERM OF OFFICE**

The Treasurer shall be appointed by the President with the advice and consent of the Board of Trustees pursuant to ILCS Ch. 65, Act 5, § 3.1-30-5.

### **§ 31.36 BOND**

The Village Treasurer shall be insured in an amount to be set from time to time by the Board, with sureties to be approved by the Board of Trustees. The bond shall be conditioned upon the faithful performance by the Treasurer of the duties of office and to indemnify the Village for any loss due to any neglect or wrongful act on the part of the Treasurer. The Village Treasurer is to be bonded through the current liability insurance provider for the Village. The cost of the bond will be incurred by the Village.

## **§ 31.37 DUTIES**

(A) The Treasurer shall receive all money and sums belonging to the Village and shall keep the books and accounts in a manner prescribed by ordinance and the statutes of the state. These books and accounts shall always be subject to the inspection of any member of the corporate authorities at any time. He or she shall keep separate accounts of each fund or appropriation and the debits and credits belonging thereto.

(B) To receive, receipt for, and collect all moneys due to the Village from all sources including water bills, special assessments and for all other purposes and to keep a true and correct account thereof and to make a return of all delinquent special assessments to the County Treasurer as provided by law.

## **§ 31.38 DEPOSIT OF FUNDS**

The Treasurer shall be custodian of all Village funds that are deposited in such depositories as may be designated by ordinance. The corporate authorities shall designate a bank or banks in which the fund and monies of the Village may be kept in the custody of the Treasurer. The Treasurer shall be discharged from responsibility for all funds and monies that he or she deposits in a designated bank while the funds and monies are so deposited. If Village funds or monies are deposited in a designated bank, however, the amount of such deposit shall not exceed 75% of the bank's capital stock and surplus, and the Treasurer shall be responsible for funds and monies deposited in the bank in excess of this limitation. Nothing contained herein shall be construed from releasing the Treasurer from any intentional act, theft or mismanagement of his or her office.

## **§ 31.39 SEPARATION OF FUNDS**

The Treasurer shall keep the Village money separate and distinct from his or her own and shall not intermingle his or her money with any funds or monies of the Village or make private or personal use of the Village's funds in any way.

## **§ 31.40 REPORT**

The Treasurer shall make monthly reports, and more often if required by the Board of Trustees, showing the state of the finances of the Village and the amounts received and spent during the preceding month. The report shall be filed and kept as part of the municipal record. The Treasurer shall make an annual report as required by state law, with the total amount of all receipts and expenditures of the Village during the preceding fiscal year, reported in their entirety.

## **§ 31.41 REMOVAL FROM OFFICE**

Any violation of the requirements of this subchapter or the statutes of the state shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. In that case, the Treasurer's successor shall be appointed, and he or she shall hold the office for the remainder of the unexpired term of the Treasurer so removed.

## ***VILLAGE ATTORNEY AND VILLAGE PROSECUTOR***

### **§ 31.60 ESTABLISHMENT**

The positions of Village Attorney and Village Prosecutor are hereby created, consisting of duly licensed attorneys and such other assistants as may be provided by the Village Manager, appointed by the Village Manager.

### **§ 31.61 DUTIES**

(A) *Duties of the Village Attorney.* The Village Attorney shall be in charge of, and responsible for the following:

- (1) He/she shall prosecute or defend any and all suits or actions of law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against of by any officer of the Village on behalf of the Village, or in the capacity of the person as an officer of the Village other than traffic matters, or other litigation matters specifically directed to the Village Prosecutor;
- (2) He/she shall see to the full enforcement of all judgments or decrees rendered or entered in favor of the Village and of all similar interlocutory orders;
- (3) He/she shall be the legal advisor to the Village and shall render advice on all legal questions affecting the Village whenever requested to do so by any Village official. Upon request of the President or the Village Manager, he/she shall reduce any such opinion to writing;
- (4) He/she shall see to the completion of all special assessment and condemnation proceedings;
- (5) He/she shall draft or supervise the phraseology of any contract, lease, or other document or instrument to which the Village may be a party, and upon the request of the Village Manager, he/she shall draft ordinances as they so direct and are within the power of the Village to enact; and
- (6) He/she shall provide legal advice to all other employees of the Village who shall request his/her counsel concerning the Village matter.

(B) *Duties of the Village Prosecutor.* The Village Prosecutor shall be in charge of and responsible to prosecute violations of all ordinances of the Village where a fine or criminal penalty is sought, including, but not limited to, traffic ordinances, building code ordinances, criminal codes, or statutes as applicable, and the property maintenance code and any other matters as directed by the Village Board.