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CHAPTER 2: ADMINISTRATION

Article 1: General Provisions

Sec. 2.101 Qualifications: No person shall be eligible to any Village office unless such person is a qualified elector of the Village and has resided therein at least one year preceding his election or appointment. However, these requirements shall not apply to the Village Engineer, Health Officers or other officers who require technical training or knowledge. Nor shall these requirements apply to the Village Attorney. No person shall be eligible to any village office that is a defaulter to the village.

Sec. 2.102 Oath, Bond: Before entering upon the duties of their respective offices, all Village officers, whether elected or appointed, shall take and subscribe the following oath:

“I, (state your name) 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 Clerk. Before entering upon the duties of their respective offices, the Village President, Clerk, and Treasurer shall execute a bond with security, in such amount and with such sureties as may be required by the Council, conditioned upon the faithful performance of the duties of his offices provided the amount of such bond shall not be less than Five Thousand Dollars (\$5,000.00).

Sec. 2.103 Further Duties: Every officer shall perform such duties, in addition to those which may be prescribed by law, and be subject to such other rules and regulations, as the Village Council may provide by ordinance.

Sec. 2.104 Compensation: All Village officers, except as otherwise provided, shall receive the salary, fees, or other compensation that is fixed by special ordinance. After they are once fixed, these salaries, fees, or other compensation shall not be increased or diminished, so as to take effect during the term of any elected village officer. The salaries, fees, or other compensation of any appointed village officer, not including those appointed to fill vacancies in elective offices, may be increased but not diminished so as to take effect during the term for which such officer was appointed. Every Village officer except the President and Village Council shall make and return to the President, a semi-annual report verified by affidavit, of all fees, and other compensation received by them.

Sec. 2.105 Reimbursement: Every officer of the Village shall be entitled to receive reimbursement from the Village for actual expenses incurred by such Village Officer in the course of duties as such Village Officer.

Sec. 2.106 Removal from Office: Except where otherwise provided by statute, the President may remove any officer appointed by him pursuant to 65 ILCS and this chapter, on any formal charge, whenever he is of the opinion that the interests of the Village demand removal, but he shall report the reasons for the removal to the Village Council at a meeting to be held not less than five nor more than ten days after the removal. If the President fails or refuses to report to the Village Council the reasons for the removal, or if the Village Council by a two-thirds vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which he was removed. The vote shall be by yeas or nays, which shall be entered upon the Council’s journal.

Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

Sec. 2.107 Resignation: Any officer of the Village may resign from his office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint an officer, 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.

Article 2 – President

Sec. 2.201 Election: The Village President shall be elected for a four (4) year term, and shall serve until his successor is elected and qualified as is provided by Statute.

Sec. 2.202 Duties: He shall be the Chief Executive Officer of the Village and shall preside over the meetings of the Village Council, and shall perform such duties as may be required of him by statute or ordinance. He shall have supervision over all of the executive officers and employees of the Village, and shall have the power and authority to inspect all books and records pertaining to Village affairs and kept by any officer or employee of the Village at any reasonable time.

Sec. 2.203 Appointment of Officers: The Village President shall appoint, by and with the advice and consent of the Village Council, all officers of the Village whose election or appointment is not otherwise provided for. Any vacancies occurring in an appointive office shall be filled in the same manner.

Sec. 2.204 Designation of Officer's Duties: Whenever there is a dispute as to the respective duties or powers of any appointed officer of the Village, this dispute shall be resolved by the President after consultation with the Village attorney; and the President shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty.

Sec. 2.205 President Pro Tem: During a temporary absence or disability of the President, the Village Council shall elect one of its number to act as president pro tem, who during such absence or disability shall possess the powers of the President, as is provided by Statute.

Sec. 2.206 Acting President: In the event of a vacancy in the office of President, the Village Council may appoint one of its members as acting President to serve until the vacancy is filled at a regular or special election as provided by law.

Sec. 2.207 Formal Occasions: The Village President shall act for and on behalf of the Village on formal occasions and receptions; but in his absence or inability to attend any such functions, the Council may select any other Village officer to so act.

Sec. 2.208 Compensation: The President of the Village of Deer Creek shall receive as compensation for services as President the sum of Fifty Dollars (\$50.00) per meeting of the Board of Trustees of this Village attended, payable quarterly. The President shall receive one-half of the foregoing per meeting attended for any committee meetings attended provided that if there is more than one committee meeting attended in the same night, there shall be only one committee meeting paid for.

Article 3 – Village Council

Sec. 2.301 Election Functions: The members of the Village Council shall be elected to Office for a four (4) year term, according to the method provided by Statute. The Council shall be the legislative division of the Village government and shall perform such duties and have such powers as may be authorized by Statute.

Sec. 2.302 Oath - Salary: The members of the Village Council shall take the oath of office prescribed by Sec. 8.104 of this Code, and shall receive as compensation for services as Village Trustee the sum of Thirty Dollars (\$30.00) per meeting of the Board of Trustees of this Village attended, payable quarterly. The Trustees shall each receive one-half of the foregoing per meeting attended payments for any committee meetings attended provided that if there is more than one committee meeting attended in the same night, there shall be only one committee meeting paid for.

Sec. 2.303 Meetings: The regular meetings of the Council shall be held on the third Tuesday of each month at a time designated by the Village Council. However, if a regular meeting falls on a legal holiday, the meeting shall take place on the next secular day at the same hour. Adjourned meetings may be held at such times as the Council may determine.

Sec. 2.304 Special Meetings: Special meetings of the Council may be called by the President or three Trustees; provided that a written notice of such meeting shall be posted publicly and given to each member of the Council at least forty eight (48) hours before the time set for the meeting. Notice of a meeting held in the event of a bona fide emergency need not be given 48 hours prior to such meeting.

Sec. 2.305 Presiding Officer - Vote: The President shall be the presiding officer for the Council at all regular or special meetings and when the Council meets as a committee of the whole. He shall not vote on any ordinance, resolution, or motion except: (1) Where the vote of the Trustees has resulted in a tie; or (2) Where one half of the Trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (3) Where a vote greater than a majority of the corporate authorities is required by Statute to adopt an ordinance, resolution, or motion. In each instance specified, the President shall vote. Nothing herein shall deprive the President from voicing his vote on any matter which he chooses. However, his vote shall be officially counted only in accordance with this paragraph. Nothing in this Section shall 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.

Sec. 2.306 Ordinances; Approval - Veto: 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 property, and all ordinances, passed by the Village Council shall be deposited with the Village Clerk. If the President approves of them, he shall sign them. Those of which he disapproves, he shall return to the Village Council, with his written objections, at the next regular meeting of the Village Council occurring not less than five days after their passage. The President may disapprove of any one or more sums appropriated by any ordinance, resolution, or motion making an appropriation, and if so, the remainder shall be effective. However, the President may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the President fails to return any ordinance or any specified resolution with his written objections, within the designated time, it shall become effective despite the absence of his signature.

Sec. 2.307 Reconsideration - Passing Over Veto: Every resolution and motion specified in the preceding section, and every ordinance, which is returned to the Village Council by the President, shall be reconsidered by the Village Council. If, after such reconsideration, two-thirds of all the trustees elected to the Village Council shall agree to pass an ordinance, resolution, or motion, notwithstanding the President's refusal to sign 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.

Sec. 2.308 Quorum: Three Trustees and the President or four or more Trustees shall constitute a quorum of the Village Council.

Sec. 2.309 Standing Committees: With the advice and consent of the Board of Trustees, the Village President may create standing committees as deemed appropriate and necessary from time to time.

Revised: July 2007 Ord. 529

Sec. 2.310 Special Committees: The President shall appoint such special committees as he may deem necessary or as may be directed by the Council.

Sec. 2.311 Membership in Committees: The President shall appoint the members of all standing and special committees, in the absence of specific direction by the Council, and shall designate the chairman of each committee. Every committee of the Council shall consist of four members, including the chairman, unless the Village Council shall provide otherwise.

Sec. 2.312 Records: The Village Clerk shall keep the minutes and records of the Council proceedings.

Sec. 2.313 Disturbing Meetings: It shall be unlawful to disturb any meeting of the Village Council or of any committee thereof, or to behave in a disorderly manner at any such meeting.

Any person violating any provision of this Section shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred fifty Dollars (\$750.00) for each offense.

Article 4 - Rules of Order

Sec. 2.401 Order of Business: The order of business at meetings of the Village Council shall be as follows:

1. Roll Call
2. Approval of minutes
3. Financial Reports
4. Reports of officers, committees and public works superintendent.
5. Citizen's Requests
6. Unfinished business
7. New business

Sec. 2.402 Rescinded Action: No vote or action of the Village Council shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting as many members of the Council as provided by Statute.

Sec. 2.403 Resolutions: Any resolution submitted to the Village Council shall be reduced to writing before being voted upon, at the request of any two members of the Council.

Sec. 2.404 Addressing Meetings: No person other than the President or a member of the Village Council or other municipal officer or employee shall address that body at any regular or special meeting of the Village Council except during the Citizen's Request portion of the meeting or upon consent of a majority of the members present.

Sec. 2.405 Suspension of Rules: The rules of order, other than those prescribed by Statute, may be suspended at any time by consent of a majority of the members present at any meeting.

Sec. 2.406 Robert's Rules of Order: Except when in conflict with the foregoing provisions, Robert's Rules of Order shall govern the deliberations of the Village Council.

Sec. 2.407 Meetings Open to Public: All meetings of the Village Council shall be open to the public subject to limitations provided by ordinance.

Article 5 - Village Clerk

Sec. 2.501 Election - Term: The Village Clerk shall be elected and serve for a four (4) year term until his successor is elected and qualified as provided by Statute.

Sec. 2.502 Compensation: The Clerk of the Village of Deer Creek shall receive as compensation for services as Village Clerk the sum of Fifty Dollars (\$50.00) per meeting of the Board of Trustees of this Village attended and for any committee meetings attended provided that if there is more than one committee meeting attended in the same night, there shall be only one committee meeting paid for, payable quarterly, commencing at the beginning of the next term of Village Clerk. Until such beginning of such next term, the compensation of Village Clerk for such services shall remain as heretofore established.

Revised: October 21, 2008 Ordinance 539

Sec. 2.503 Signatures: The Village Clerk shall seal and attest all contracts of the city and all licenses, permits and such other documents as shall require this formality.

Sec. 2.503 Duties: It shall be the duty of the Village Clerk to:

- a). Attend all the meetings of the Village Council, and to keep a true, full, and complete and correct journal of all its proceedings in a suitable book to be provided by the Village Council for that purpose.
- b). Record in a book to be kept for that purpose all ordinances passed by the Village Council. On each recorded ordinance he shall attach his certificate indicating the time the ordinance was passed and printed and the paper in which the ordinance was printed. He shall also attach the Seal of the Village to all ordinances passed by the Village Council.
- c). The Village Clerk shall cause all ordinances of the Village Council imposing any fine, penalty or forfeiture or making any appropriation to be duly published within thirty (30) days after the passage thereof in a newspaper published in the Village or if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality.
- d). Keep a register of all licenses and permits issued and the payments thereon; a record showing all the officers and regular employees of the Village; and such other records as may be required by the Village Council.

Sec. 2.504 Money Collected - Accounts: The Clerk shall keep accounts showing all money received by him and the source and disposition. He shall turn over all money received by him on behalf of the Village to the Village Treasurer promptly upon receipt of the same and with such money he shall give a statement as to the source thereof.

Sec. 2.505 Seal: The Clerk shall be the custodian of the Village seal, and shall affix its impression on documents whenever this is required.

Sec. 2.506 Additional duties: In addition to the duties herein provided the Clerk shall perform such other duties and functions as may be required by Statute or ordinance.

Sec. 2.507 Vacancies: In case the office of Village Clerk shall become vacant for any reason, the President and Council shall appoint a successor as provided by Statute.

Article 6 – Village Treasurer

Sec. 2.601 Creation of Office - Appointment: There is hereby created the office of Village Treasurer, an executive office of the City. The Treasurer shall be appointed by the president, by and with the advice and consent of the Village Council.

Sec. 2.602 Duties: The Treasurer shall perform such duties as may be prescribed for him by Statute or ordinance. He shall receive all money paid to the Village either directly from the person paying it or from the hands of such other officer as may receive it, and he shall pay out only on vouchers or orders properly signed by the Village Clerk and the President.

Sec. 2.603 Deposit of Funds: He shall deposit the Village funds in such depositories as may be selected from time to time as is provided by Statute, and he shall keep the Village money separate and distinct from his own, and shall not intermingle his own money with it or make private or personal use of Village funds.

Sec. 2.604 Records: The Treasurer shall keep such records showing all money received by him, the source from which it was received, and the purpose for which it was received, and the purpose for which it was paid out; and he shall keep a record showing at all time the financial status of the Village.

Sec. 2.605 Accounts: The Treasurer shall keep such books and accounts as may be required by the Village Council, and shall keep them in a manner required by law.

Sec. 2.606 Reports: The Treasurer shall make monthly reports to the Council showing the state of the finances of the Village, and the amounts received and spent during the month, which reports shall be filed. And he shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the Village and his transactions during the preceding year.

Sec. 2.607 Ex Officio Collector: The Treasurer shall act as and perform all the duties of collector unless a separate collector is appointed.

Article 7 – Village Collector

Sec. 2.701 Creation of Office – Appointment: There is hereby created the office of Village Collector. The Collector shall be appointed by the President, by and with the advice and consent of the Village Council.

Sec. 2.702 Compensation: The Village Collector shall receive as compensation for service as the Village Collector a salary as set from time to time by the Village Council. Notwithstanding any other provision of this Ordinance, the compensation of the appointed Collector may be increased but shall not be diminished so as to take effect with the term for which the appointed Village Collector was appointed.

Sec. 2.703 Duties: The Village Collector shall perform the statutory duties set forth in 65 ILCS 5/3-11-25 and shall also perform other duties and functions that are assigned to the Village Collector including but not limited to those duties and functions set forth in the written job description furnished to the Village Collector by the President and Board of Trustees.

Sec. 2.704 Provisions: The Clerk may hold the office of Village Collector. In addition, the Collector may be appointed as an Assistant Treasurer to assist the Treasurer in performing Treasurer's duties as provided in this Code and as provided by law.

Article 8 - Village Attorney

Sec. 2.801 Creation of Office - Appointment: There is hereby created the office of Village Attorney. The Attorney shall be appointed by the President, by and with the advice and consent of the Village Council.

Sec. 2.802 Suits and Actions: The attorney 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.

Sec. 2.803 Judgments: It shall be the duty of the attorney 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.

Sec. 2.804 Advice: The attorney shall be the legal advisor of the Village, and shall render advice on all legal questions affecting the Village, whenever requested to do so by a Village official. Upon request by the President or by the Council, he shall reduce any such opinion to writing.

Sec. 2.805 Special Assessments: It shall be the duty of the attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

Sec. 2.806 Ordinances and Documents: It shall be the duty of the attorney to draft or supervise the phraseology of any contract, lease or other documents or instruments, to which the Village may be a party; and upon request of the Council, to draft ordinances covering any subjects within the power of the Village.

Sec. 2.807 Return of Village Property: Upon termination of his appointment, the attorney shall promptly return to the Village Clerk any and all property of the Village which he has in his possession.

Article 9 - Village Engineer

Sec. 2.901 Creation of Office: There is hereby created the office of Village engineer, who shall be appointed by a majority vote of the Village Council. The duration of his office shall be subject to the discretion of the Village Council and until his successor is appointed and has qualified.

Sec. 2.902 Registration Requirements: No person shall be appointed to the office of Village engineer unless he is registered under the provisions of the "Illinois Professional Engineering Act", 225ILCS 325/1 et.al.

Sec. 2.903 Maps, Plats and Records: The Village engineer shall keep accurate maps, plats and records of all public works, lands or property owned by the Village.

Sec. 2.904 Duties: He shall advise the Village Council and Village officials on all engineering matters referred to him, and shall perform such duties as are provided by law or ordinance, and in addition thereto, such other duties as from time to time may be imposed upon him by the Village Council or by the President. He shall, from time to time as required by the Village Council, make reports regarding public improvements, repairs of streets, bridges and sidewalks, or such other work as the Council may request, and shall make such suggestions to the Village Council, regarding the same, as shall in his judgment seem best and proper.

Sec. 2.905 Return of Village Property: Upon termination of his appointment, the Engineer shall promptly return to the Village Clerk all maps, plats, plans, specifications, and any and all other property of the Village which he has in his possession.

Article 10 - Superintendent of Water and Sewer

Sec. 2.1001 Creation of Office: There is hereby created the office of Superintendent of Water and Sewer who shall be appointed by the President with the consent of the Village Council.

Sec. 2.1002 Duties: The Superintendent of Water and Sewer shall have charge and custody of all Village property, which is a part of the waterworks and sewer system. He shall be responsible for the maintenance, repair and operation of the water distribution and sewer systems of the Village.

Sec. 2.1003 Other Duties: The Superintendent of Water and Sewer shall also have the duty to make inspection of all connections made to the public water and sewer system of the Village to determine that the same are properly made

Article 11 - Zoning Enforcement Officer

Sec. 2.1101 Creation of Office: There is hereby created the office of zoning enforcement officer who shall be appointed by the President by and with the advice and consent of the Village Council. The Zoning Enforcement Officer may also serve as the Building Inspector.

Sec. 2.1102 Duties: It shall be the duty of the zoning enforcement officer to enforce all the provisions of the zoning ordinance and amendments thereto. He shall perform such additional duties as may be assigned to him by the President and Village Council.

Sec. 2.1103 Powers: He shall have the powers and exercise the functions necessary for such enforcement, which are delegated to him by Statute or ordinance.

Article 12 - Building Inspector

Sec. 2.1201 Creation of Office - Appointment: There is hereby created the position of building inspector, who shall be appointed by the Village President with the advice and consent of the Village Council. The Building Inspector may also serve as the Zoning Enforcement Officer.

Sec. 2.1202 Duties: It shall be the duty of the building inspector to see to the enforcement of all ordinance provisions relating to buildings or zoning and to inspect all building or structures being erected or altered, as frequently as may be necessary to insure the compliance with the Village ordinances.

Sec. 2.1203 Ex Officio Plumbing Inspector: The building inspector shall act as ex officio plumbing inspector and shall have all the powers and perform all the duties connected with that office.

Sec. 2.1204 Ex Officio Electrical Inspector: The building inspector shall act as ex officio electrical inspector, and shall have all the powers and perform all the duties connected with that office.

Sec. 2.1205 Stop Order: The building inspector shall have the power to order all work stopped on construction or alteration or repair of buildings in the Village when such work is being done in violation of any provision of any ordinance relating thereto, in violation of the zoning ordinance or work being done without the required permit. Work shall not be resumed after the issuance of such an order except on the written permission of the inspector, provided that if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such written stop order may be served by any police officer.

Sec. 2.1206 Entry Powers: The building inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing, or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour.

Revised: April 1995 Ord. #388, Sept. 1995 Ord. #392, June 1996 Ord. #406