

EXHIBIT "A"

CHAPTER 1

ADMINISTRATION

ARTICLE I - GENERAL PROVISIONS

DIVISION I - TITLE

1-1-1 **TITLE.** Upon the adoption by the Village Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official "**Revised Code of Ordinances of the Village**". The Revised Code of Ordinances shall be known and cited as the "**Village Code**", and it is hereby published by authority of the Village Board and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the Village Attorney, acting for said Village Board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading and to the general penalty clause relating thereto as well as to the section itself when reference is made to this Village Code by title in any legal document.

1-1-2 **ACCEPTANCE.** The Village Code as hereby presented in printed form shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8**.

1-1-3 **AMENDMENTS.** Any ordinance amending this Village Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code on an annual basis.

1-1-4 **CODE ALTERATION.** It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when

so authorized by the Village Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code books, while in actual possession of officials and other interested persons shall be and remain the property of the Village and shall be returned to the office of the Clerk upon termination of office or separation of duties.

1-1-5 **JURISDICTION.** Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the Village to regulate such particular acts outside the corporate limits.

1-1-6 - 1-1-7 **RESERVED.**

DIVISION II - SAVING CLAUSE

1-1-8 **REPEAL OF GENERAL ORDINANCES.** All general ordinances of the Village passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal [**subject to the saving clauses contained in the following sections**], from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Salary Ordinances; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the Village; and all Special Ordinances.

1-1-9 PUBLIC UTILITY ORDINANCES. No ordinance relating to railroads or railroad crossings with streets and other public ways or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-1-10 COURT PROCEEDINGS. No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the time of the adoption of this Code.

1-1-11 SEVERABILITY OF PROVISIONS. Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

1-1-12 **VILLAGE CLERK’S CERTIFICATE.** The Village Clerk's Certificate shall be substantially in the following form:

VILLAGE CLERK’S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MADISON) **ss.** **VILLAGE CLERK’S OFFICE**
VILLAGE OF BETHALTO)

I, _____, Village Clerk of the **Village of Bethalto, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the Village of Bethalto, Illinois of 1990**, published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the **Village of Bethalto, Illinois**, approved by the Mayor and published in book form according to law on this date and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **Village of Bethalto, Illinois**, this _____ day of _____, 1990.

MARY MEYER
VILLAGE CLERK
VILLAGE OF BETHALTO, ILLINOIS

(SEAL)

1-1-13 - 1-1-14 **RESERVED.**

DIVISION III - DEFINITIONS

1-1-15 CONSTRUCTION OF WORDS. Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-16 DEFINITIONS. Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT", as used in this Code shall mean a person acting on behalf of another.

"BOARD", unless otherwise indicated shall mean the **"Village Board of Trustees of the Village of Bethalto, Illinois"**.

"CODE" OR "THIS CODE" shall mean the **"Revised Code of Ordinances of the Village of Bethalto, Illinois"**.

"CORPORATE AUTHORITIES" shall mean the Village President [Mayor] and the Village Board of Trustees.

"COUNTY" shall mean the **County of Madison**.

"EMPLOYEES" shall mean the following: Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words **"of the Village"**.

"FEE" OR "FEES" as used in this Code shall mean a sum of money charged by the Village for carrying on of a business, profession or occupation.

"FISCAL YEAR". The "fiscal year" for the Village shall begin on **May 1st of each year and end on April 30th of the following year**.

"KNOWINGLY" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

"LEGAL HOLIDAY" shall mean the holidays as authorized from time to time by the Village Board and as set out under **Section 1-2-39** of this Code. **(Ord. No. 2000-38; 11-06-00)**

"LICENSE" as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

"MAY". The word "may" is permissive.

"MAYOR" as used in this Code shall mean the Village President or President of the Village Board of Trustees.

"MISDEMEANOR" as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY" import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"OCCUPANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

"OFFENSE" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

"OFFICERS AND EMPLOYEES". Whenever reference is made in this Code to a Village Officer or employee by title only, this shall be construed as though followed by the words **"of the Village"** and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties indicated.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the Village Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

"OFFICIAL TIME". Central Standard Time shall be the official time for the transaction of Village business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced **one (1) hour**. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed by this paragraph.

"OPERATOR" as used in this Code shall mean the person who is in charge of any operation, business or profession.

"OWNER" as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

"PERSON" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

"RETAILER" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

"SHALL". The word "shall" is mandatory and not discretionary.

"STATE" OR "THIS STATE" unless otherwise indicated shall mean the **"State of Illinois"**.

"STREET" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

"TENANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"VILLAGE" shall mean the **Village of Bethalto, Illinois.**

"WHOLESALE" AND "WHOLESALE DEALER" as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

"WILLFULLY" when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

"WRITTEN" AND "IN WRITING" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-1-17 CATCHLINES. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1-1-18 - 1-1-19 RESERVED.

DIVISION IV - GENERAL PENALTY

1-1-20 IMPOSITION OF PENALTY.

(A) **General Penalty.** Any person convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**.

Any person convicted of an additional violation(s) of the same article or section of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** for each offense.

(B) **Juvenile or Minor.** Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois**.

(C) **Minor Violations Penalty.** Any person accused of a violation of any section of this Code **except Chapters 6, 24, 29, 34 and 40** may settle and compromise the claim by paying to the Village the sum of **Twenty-Five Dollars (\$25.00)** within **ten (10) days** from the time such alleged offense was committed or by paying to the Village Collector the sum of **Fifty Dollars (\$50.00)** subsequent to said **ten (10) day period** and prior to such person being issued a complaint or notice to appear.

(D) **Warning Ticket.** The tickets issued under this Section shall be as a courtesy in lieu of arrest. If the person accused of this violation does not settle the claim, a complaint or notice to appear will be issued for that violation and the person shall be subject to the penalties set forth in **Paragraphs (A) and (B) of this Section. (Ord. No. 08-04; 04-07-08)**

1-1-21 APPLICATION.

(A) The penalty provided in this Chapter shall be applicable to every section of this Village Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Village Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this Village Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Village Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-22 REVOCATION OF LICENSE. When a person is convicted of a violation of any section of this Code, **except Chapter 21**, any license previously issued to him by the Village may be revoked by the Court, by the Village Board or by the designated authority.

1-1-23 LIABILITY OF OFFICERS. No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

ARTICLE II - VILLAGE OFFICIALS

DIVISION I - VILLAGE BOARD OF TRUSTEES

1-2-1 **COMPOSITION AND GENERAL POWERS.** The Village Board shall consist of **six (6) Trustees**, elected in conformity with this Code and State laws governing elections in villages and shall have such powers as are granted by **Chapter 65, Illinois Compiled Statutes, as amended**. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(See 65 ILCS Sec. 5/3.1-25-5; and 5/3.1-10-50(D))**

1-2-2 **COMPENSATION.** Each Trustee shall receive a salary as provided in **Article III** of this Chapter. Each Trustee shall be entitled to reimbursement for actual expenses incurred by them in the performance of their duties.

1-2-3 **REGULAR MEETINGS.** The regular meetings of the Village Board shall be held monthly on the **first (1st) Monday of each month at the hour of 7:30 P.M.** unless otherwise scheduled. Adjourned and reconvened meetings may be held for the purpose of finishing any business of any meeting at any time so fixed by the Village Board. When the meeting date falls upon a legal holiday, the meeting shall be held on the next business day at the same hour and place unless otherwise designated. **(See 65 ILCS Sec. 5/3.1-40-25 and 5 ILCS Sec. 120/1, et seq.) (Ord. No. 97-8; 05-05-97)**

1-2-4 **SPECIAL MEETINGS.** Special meetings of the Village Board may be called by the Mayor or any **three (3) Trustees** by giving at least **forty-eight (48) hours notice** thereof by delivering to them personally written or printed notices of the time of such meeting at the residences of the Trustees. Such notices shall be served by mail, by the Chief of Police or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the Village Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Said notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the Village Board, provided such news media has given the Village an address within the Village at which such notice may be given. **(See 65 ILCS Sec. 5/3.1-40-25 and 5 ILCS Sec. 120/2.02 and 120/2.03) (Ord. No. 98-37; 11-02-98)**

1-2-5 **VACANCY.** When a vacancy occurs, if more than **twenty-eight (28) months** remain in the term and the vacancy occurs not less than **one hundred thirty (130) days** before the next consolidated election, the office shall be filled for the unexpired portion of the term by special election at that consolidated election. During the period from the time that the vacancy occurs until the next election of Trustees, the vacancy may be filled by the appointment of a Trustee by the Mayor, with the advice and consent of the Village Board.

1-2-6 **COMMITTEES.** The following standing committees of the Village Board are hereby established, to-wit:

(A)

- (1) Liquor
- (2) Finance, Revenue and Ordinance
- (3) Street, Alley and Sidewalk
- (4) Employee
- (5) Utilities and Refuse
 - (a) Water
 - (b) Sewer
- (6) Public Safety (Police/Fire)
- (7) Equipment (All Departments)
- (8) Building Plans and Requirements
- (9) Grants and Planning

(B) The committees shall be appointed by the Mayor.

(C) The Mayor shall be ex-officio chairman of the Utilities Committee and a member of every other standing committee.

(D) So far as is practicable, reports of committees shall be in writing.

(E) As provided by law, any report of a committee of the Board shall be deferred for final action thereon to the next regular meeting of the Village Board after the report is made, upon the request of any **two (2) Trustees** present.

(F) Each standing committee of the Village Board shall exercise a general supervision over the affairs of the department of municipal government with which it is connected; shall ascertain the condition and needs of said department; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the Department.

(G) **Utilities and Refuse Committee.** The Utilities and Refuse Standing Committee shall hold regular meetings on the **first (1st) Monday** of each month at the hour of **7:00 P.M.** unless otherwise scheduled. Adjourned and reconvened meetings may be held for the purpose of finishing any business of any committee meeting at any time so fixed by the standing committee. When the meeting date falls upon a legal holiday, the meeting shall be held on the next business day at the same hour and place unless otherwise designated. **(Ord. No. 97-8; 05-05-97)**

1-2-7 **SPECIAL COMMITTEES.** Special Committees may be appointed by the Mayor, subject to the advice and consent of the Board of Trustees, as may be needed from time to time and the Mayor shall be an ex-officio member of that committee.

1-2-8 **QUORUM.** At all meetings of the Village Board, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Board, the Trustees may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings. **(See 65 ILCS Sec. 5/3.1-40-20)**

EDITOR'S NOTE: When the Board has a Mayor and six (6) Trustees, a quorum is four (4), which may consist of the Mayor and three (3) Trustees, or four (4) Trustees.

1-2-9 **COMPELLING ATTENDANCE.** It shall be the duty of each and every Trustee to attend all regular meetings of the Village Board and all special meetings when each has been duly notified of the date and place of such meeting. If a quorum is not present at any special meeting duly called, the Trustees in attendance may adjourn the same to some stated time. Any Trustee duly notified in writing by the Village Clerk of the time and place of such adjourned meeting and any Trustee who may have been present when such adjournment was made who fails to attend the same shall be fined **Fifteen Dollars (\$15.00)** for each of such adjourned meetings as he failed to attend; provided that the foregoing shall not apply when any Trustee is absent from such meeting or meetings because of sickness or unavoidable accident.

1-2-10 - 1-2-11 **RESERVED.**

DIVISION II - RULES OF THE VILLAGE BOARD

1-2-12 **RULES OF THE BOARD.** The following rules of order and procedure shall govern the deliberations and meetings of the Village Board. **(III. Rev. Stat., Ch. 24; Sec. 3-11-11)**

(A) **Order of Business.** The order of business shall be as follows:

- (1) Call to order.
- (2) Roll call.
- (3) Reading of the minutes.
- (4) Report of officers.
- (5) Special communications.
- (6) Petitions.
- (7) Resignations.
- (8) Appointments.
- (9) Resolutions.
- (10) Village Collector's receipts report.
- (11) Treasurer's report.
- (12) Bills.
- (13) Report of standing committees.
- (14) Report of special committees.
- (15) Unfinished business.
- (16) New business.
- (17) Citizens.

All questions relating to the priority of business shall be decided by the chair without debate, subject to appeal.

(B) **Duties of Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Trustees, and shall decide all question of order, subject to appeal.

(C) **Duties of Members.** While the presiding officer is putting the question, no member shall walk across or out of the Board Chamber.

Every member, prior to his speaking, making a motion or seconding the same shall not proceed with his remarks until recognized and named by the Chair. He shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any other Trustee's argument or vote.

(D) **Visitors.** No person other than a member of the Board of Trustees shall address that body on the same question unless such person has been recognized by the presiding officer.

(E) **Presentation of New Business.** When a Trustee wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the Clerk who shall read such matter when reached in its proper order.

(F) **Debate.** No Trustee shall speak more than once on the same question, except by consent of the presiding officer or unless **three-fourths (3/4)** of the corporate authorities agree that

one's right to debate should be limited to speak only once and then not until every other Trustee desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration, as the case may be, shall have the right to open and close debate.

[No Trustee shall speak longer than ten (10) minutes at any one (1) time, except by consent of the Village Board; and in closing debate on any question as above provided, the speaker shall be limited to five (5) minutes, except by special consent of the Board.]

The Village Board, by motion, may limit debate. The presiding officer shall have the right to participate in debate.

While a member is speaking, no Trustee shall hold any private discussion, nor pass between the speaker and the chair.

(G) **Call of Trustees to Order.** A Trustee, when called to order by the Chair, shall thereupon discontinue speaking and take his seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

(H) **Appeals from Decision of the Chair.** Any Trustee may appeal to the Board from a ruling of the Chair, and if the appeal is seconded, the Trustee making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The presiding officer shall have the right to participate in debate.

The Chair shall then put the question, "**Shall the decision of the Chair be sustained?**". If a majority of the Trustees present vote "**No**", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

(I) **Question of Personal Privilege.** The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned or impugned.

(J) **Voting.** Every other member who shall be present when a question is stated from the chair shall vote thereon, unless he is personally interested in the question, in which case, he shall take whatever steps are necessary to insure that his vote is not taken.

(K) **Special Order of Business.** Any matter before the Village Board may be set down as a special order of business at a time certain if **two-thirds (2/3)** of the Trustees present vote in the affirmative, but not otherwise.

(L) **Seconding of Motions Required; Written Motions.** No motion shall be put or debated in the meeting or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Board, except motions of procedure, shall be reduced to writing if required by a member, and the proposer of the motion shall be entitled to the floor.

(M) **Division of Questions.** If any question under consideration contains several distinct propositions, the Trustees, by a majority vote of the Trustees present may divide such question.

(N) **Record of Motions.** In all cases where a resolution or motion is entered in the journal, the name of the Trustee moving the same shall be entered also.

(O) **Announcement and Changes of Vote.** The result of all votes by yeas and nays shall not be announced by the Clerk, but shall be handed by him to the chairman for announcement, and no vote shall be changed after the tally list has passed from the hands of the Clerk.

(P) **Precedence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

- (1) To adjourn to a day certain.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) The previous question.
- (6) To refer.
- (7) To amend.
- (8) To defer or postpone to a time certain.
- (9) To defer or postpone (without reference to time.)
- (10) To defer or postpone indefinitely.

Numbers (2), (4), and (5) to be decided without debate.

(Q) **Motions to Adjourn.** A motion to adjourn the Village Board meeting shall always be in order, except:

- (1) When a Trustee is in possession of the floor.
- (2) While the yeas and nays are being called.
- (3) When the members are voting.
- (4) When adjournment was the last preceding motion.
- (5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The Village Board may, at any time, adjourn over one (1) or more regular meetings on a vote of a majority of all the Trustees authorized by law to be elected.

(R) **Previous Question.** When the previous question is moved on the main question and seconded, it shall be put on this form: **"Shall the main question now be put?"**. If such motion be carried, all further amendments and all further motions and debate shall be excluded, and the question put without delay upon the pending amendment in proper order and then upon the main question.

(S) **Motions to Lay on the Table and to Take From the Table.** A motion simply to lay the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided **two-thirds (2/3)** of the Trustees vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

(T) **Indefinite Postponement; Motion to Defer or Postpone Without Any Reference to Time.** When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

A motion to defer or postpone without any reference to time shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

(U) **Motion to Refer.** A motion to refer to a standing committee shall take precedence over a similar motion to refer to a special committee.

(V) **Motion to Amend.** A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to **"Strike Out and Insert"**, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending questions may be referred to a committee and neither the main question nor such other pending question shall be affected thereby.

(W) **Filling of Blanks.** When a blank is to be filled and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

(X) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time, further amendment is admissible; and if accepted by the Trustees by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(Y) **Reconsideration.** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration having been once made and decided in the negative shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by Trustees who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

(Z) **Adoption of Robert's "Rules of Order Revised"**. The rules of parliamentary practice comprised in the latest published edition of **Robert's "Rules of Order Revised"** shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Board.

(AA) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of **two-thirds (2/3)** of the corporate authorities entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of **two-thirds (2/3)** of all the corporate authorities entitled by law to be elected.

(BB) **Censure of Trustees - Expulsion of Trustees.** Any Trustee acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Board, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a **two-thirds (2/3)** vote of all Trustees elected. **(III. Rev. Stat., Ch. 24; Sec. 3-11-11)**

1-2-13 **AGENDA.** An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Village Board no later than the close of business on the day preceding the regular Village Board meeting. In the case of matters of emergency which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda shall be furnished to each member of the Village Board prior to the opening of the Board meeting.

1-2-14 - 1-2-15 **RESERVED.**

DIVISION III - ORDINANCES

1-2-16 ORDINANCES.

(A) **Attorney.** It shall be the duty of the Village Attorney to prepare such ordinances as may be required by the Village Board.

(B) **Introduced.** When an ordinance is introduced, it shall be considered and acted upon by the Village Board or at the Board's direction, referred to the proper committee.

(C) **Passage by Yeas and Nays - Record.** The yeas and nays shall be taken upon the passage of all ordinances and on all propositions to create any liability against the Village, or for the expenditure or appropriation of its money, and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of a majority of all the members elected to the Village Board of Trustees shall be necessary for the passage of any such ordinance or proposition; provided it shall require **three-fourths (3/4) of the Trustees** to sell any Village property. **(See III. Rev. Stat., Ch. 24; Sec. 3-11-17)**

(D) **Approval and Veto.** All ordinances passed by the Board of Trustees shall, before they take effect, be deposited in the office of the Village Clerk, and if the Mayor approves thereof, he shall sign the same, and such as he shall not approve, he shall return to the Board of Trustees with his objections thereto in writing at the next regular meeting of the Board of Trustees occurring no less than **five (5) days** after the passage thereof. Such veto may extend to any one (1) or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. However, in case the Mayor shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly. **(See III. Rev. Stat., Ch. 24; Sec. 3-11-18)**

(E) **Reconsideration - Passing Over Veto.** Upon the return of any ordinance by the Mayor, the vote by which the same has passed shall be reconsidered by the Board of Trustees and if after such reconsideration, **two-thirds (2/3)** of all the members elected to the Board of Trustees shall agree by yeas and nays to pass the same, it shall go into effect, notwithstanding the Mayor's refusal to approve thereof. The vote to pass the same over the Mayor's veto shall be taken by yeas and nays and entered in the Journal of Minutes. **(See III. Rev. Stat., Ch. 24; Sec. 3-11-19)**

1-2-17 NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING. No vote of the Village Board shall be reconsidered or rescinded at any special meeting thereof unless at such special meeting there are present as large a number of Village Board members as were present when such vote was taken. **(See III. Rev. Stat., Ch. 24; Sec. 3-11-20)**

1-2-18 - 1-2-19 RESERVED.

DIVISION IV - GENERAL PROVISIONS

1-2-20 CORPORATE SEAL.

(A) The Corporate Seal of the Village shall be the same as that heretofore provided and used by the Village. It shall be circular in form with the words, "**Village of Bethalto, Madison County, Illinois**" in the exterior circle and the words, "**Corporate Seal, 1873**" in the center. **(Ill. Rev. Stat., Ch. 24; Sec. 2-2-12)**

(B) The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the Village and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the Village Clerk who shall be the legal custodian. **(Ill. Rev. Stat., Ch. 24; Sec. 3-10-7)**

1-2-21 ELECTIONS.

(A) **Election Procedure.** The provisions of the **Illinois Revised Statutes, Chapter 24, Section 3-2-1, et seq., and Chapter 46** concerning municipal elections shall govern the conduct of the Village elections.

(B) **Inauguration.** The inauguration of newly elected Village officials shall occur at the first regular or special meeting of the Village Board in the month of May following the consolidated election in April. **(Ord. #89-8; 04-03-89)**

1-2-22 APPOINTMENT OF ELECTED OFFICIALS. No Trustee of this Village, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor except if such Trustee is granted a leave of absence from such office. However, such Trustee may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this section is void.

NOTE: One (1) member may serve on the Library Board. (See Ill. Rev. Stat., Ch. 81; ¶ 4-1 and Ch. 102; ¶ 2)

1-2-23 MUNICIPAL OFFICERS - REGULATIONS.

(A) **Effect.** The provisions of this division shall apply alike to all officers and employees of the Village regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.

(B) **Bond.** Every officer and employee shall, if required by the Village Board upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Board, conditioned upon the faithful performance of the duties of his office or position.

(C) **Appointment.** At the first meeting of May in each year, or as soon thereafter as possible, there shall be appointed by the Mayor, with the advice and consent of the Village Board, all appointive Village Officers who shall hold their several offices for the term of **one (1) year** and until their successors are appointed and qualified. **(Ill. Rev. Stat., Ch. 24; Sec. 3-7-2)**

NOTE: Unless a specific ordinance creates the office, the person filling the position is not an officer, but an employee, and is governed by a different set of rules. Elected municipal officials cannot hold any other office in the municipality while holding their elective office. **(Ill. Rev. Stat., Ch. 24; Secs. 3-4-3, 3-4-15 and Ch. 102; Sec. 2)**

(D) **Offices Vacated by Removal.** Any officer of the municipality who leaves the municipality with the intention of permanently residing outside the limits thereof shall be deemed to have vacated his office.

(E) **Leaves of Absence.** Any officer desiring to be temporarily absent from the municipality shall apply to the Mayor for a leave of absence which may, in the discretion of the Mayor, be granted in writing for any time, and when granted, shall be filed with the Clerk.

(F) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the Village. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-20** of this Code. He shall not receive his final check until his Village Code Book and keys are turned over to the Village Clerk.

(G) **Books Open to Inspection.** Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the Mayor or any committee or member of the Board of Trustees.

(H) **Fees; Report of Fees.** No officer of the municipality shall be entitled to charge or receive any fees as against the Village. All officers of the Village entitled to receive fees shall keep a correct account thereof, and make a report thereof under oath to the Village Board prior to the regular meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the Village Treasury.

(I) **Other Rules and Regulations.** Every officer of the Village shall perform such other duties and be subject to such other rules and regulations as the Village Board may provide by law.

(J) **Conservators of Peace.** The Mayor, Board of Trustees and Policemen are designated as conservators of the peace, with power to make arrests as provided by law. **(Ill. Rev. Stat., Ch. 24; Sec. 3-9-4)**

(K) **Oath.** Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed shall take and subscribe to the following oath:

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

**(Ill. Rev. Stat., Ch. 24; Sec. 3-14-3)
(See "Administration of Oaths", Section 1-2-62)**

1-2-24 RESIDENCY REQUIREMENTS. No person shall be eligible to any municipal office unless he is a qualified elector of the municipality and has resided therein at least **one (1) year** next preceding his election or appointment. However, these requirements shall not apply to the municipal engineer, municipal attorney or other officers who require technical training or knowledge. However, no person shall be eligible to any municipal office who is a defaulter to the municipality. **(Ill. Rev. Stat., Ch. 24-Sec. 3-14-1)**

1-2-25 BONDS OF VILLAGE OFFICERS.

(A) **Amount.** Bonds of Village officers required under **Illinois Revised Statutes, Chapter 24, Section 3-14-3** shall be executed in the following penal sums:

- | | | |
|-----|---|-------------|
| (1) | Mayor | \$ 3,000.00 |
| (2) | Village Treasurer | \$30,000.00 |
| (3) | Village Clerk and/or
Village Collector | \$25,000.00 |
| (4) | Police Chief | \$ 3,000.00 |

(B) **Premium Payment by Village.** The surety bonds required by law shall be paid by the Village. **(Ill. Rev. Stat., Ch. 103; Sec. 16)**

(C) **Surety.** The Village Board shall not receive or approve any bond or security whereon the name of the Village Board, any one of the Board of Trustees or any elected or appointed officer of the Village appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is

approved by the Village Board or if any bondsman, after becoming such is elected or appointed to any Village office, this section shall not act as a release of any such obligation incurred.

1-2-26 VILLAGE OFFICES CONSOLIDATED.

(A) The Village Board may, from time to time by law, impose upon any officer filling any office created by the ordinances of the Village, any such other or further duties as shall be consistent with the laws of this state, and may consolidate any **two (2)** or more of the offices and impose the duties thereof upon any other officer and may make any such regulations respecting such offices as shall be consistent with the laws of this state.

(B) In case the Village Board consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he would not have been entitled to receive if such consolidation had not taken place.

1-2-27 BIDDING AND CONTRACT PROCEDURES.

(A) **Competitive Bidding Required.** Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Ten Thousand Dollars (\$10,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Trustees then holding office.

(C) **Notice Inviting Bids.** Notice inviting bids shall be published at least once in a newspaper with general circulation within the Village. The Village shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Village Hall.

(D) **Scope of Notice.** The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and the time and place for opening bids.

(E) **Bid Deposits.** When deemed necessary by the Board of Trustees, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by

the Board of Trustees. A successful bidder shall forfeit any bid deposit required by the Board of Trustees upon failure on his part to enter into a contract within **ten (10) days** after the award.

(F) **Bid Opening Procedure.**

- (1) **Sealed.** Bids shall be submitted sealed to the Village and shall be identified as bids on the envelope.
- (2) **Opening.** Bids shall be opened in public at the time and place stated in the public notice.
- (3) **Tabulation.** A tabulation of all bids received shall be made by the Board of Trustees or by a Village employee, in which event, a tabulation of the bids shall be furnished to the Board of Trustees at its next regular meeting.

(G) **Rejection of Bids.** The Village shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) **Bidders in Default to Village.** The Village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the Village.

(I) **Award of Contract.**

- (1) **Authority in Village.** The Board of Trustees shall have the authority to award contracts within the purview of this section.
- (2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the Village to accept. In awarding the contract, in addition to price, the Board of Trustees shall consider:
 - (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
 - (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - (d) The quality of the performance of previous contracts or services;
 - (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
 - (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (i) The number and scope of conditions attached to the bid.

(3) **Performance Bonds.** The Board of Trustees shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the Village.

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Ten Thousand Dollars (\$10,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the Village without observing the bidding procedures prescribed by this section for the award of formal contracts.

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the Board of Trustees shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

(M) **Cooperative Purchasing.** The Village shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the Village would be served thereby.

1-2-28 INTEREST IN CONTRACTS PROHIBITED.

(A) No person holding any office, either by election or appointment under the laws or constitution of this state, may be interested in any manner, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to

which such officer may be called upon to vote. Nor may any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void.

(B) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services or labor if they meet the exemption requirements provided in the **Illinois Compiled Statutes, Chapter 50, Paragraph 105/3 et seq.**

1-2-29 SALARIES REGULATION.

(A) **Elected.** No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased. **(See 65 ILCS Sec. 5/3-13-1, et seq.)**

EDITOR'S NOTE: The salary of appointed officials and employees may be established in the appropriation ordinance. The salary of elected officials must be established in an ordinance other than the appropriation ordinance.

1-2-30 CLAIMS.

(A) **Presentation.** All claims against the Village for goods purchased, damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance must be presented at least **one (1) day** prior to the meeting to the Village Clerk. All such claims must be in writing and items shall be specified.

(B) **Exception.** This does not prohibit the Village Board from passing on any claims not previously presented to the Village Clerk if, in the opinion of the Board, justice to the claimant requires it.

1-2-31 FISCAL YEAR. The fiscal year of the Village, including the Village Water and Sewer Department, shall begin on **May 1st** of each year and shall end on the following **April 30th.** **(Ord. No. 93-5; 2-1-93) (See 65 ILCS Sec. 5/1-1-2[5])**

1-2-32 MUNICIPAL YEAR. The municipal year shall commence on **May 1st and shall end on the following April 30th.** No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

1-2-33 **EXPENSES - REIMBURSEMENT.** Any municipal officer or employee is entitled to reimbursement for any reasonable actual expenses incurred by him in the performance of his duties. **(Ill. Rev. Stat., Ch. 24; Secs. 3-13-5 and 3-13-7)**

1-2-34 **OFFICIAL RECORDS.** All official records, including the Village Corporate Seal, shall be kept in the Village Hall.

1-2-35 **INSURANCE.** The Village Board shall have the power to purchase liability insurance covering and insuring all municipal officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover and protect any liability which the municipal corporation, officer, employee or elected official may incur. When the insurance has been purchased, the Village shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the municipal corporation, officer, employee or elected official.

1-2-36 **INDEMNIFICATION.** If the Village Board elects not to purchase liability insurance covering and insuring municipal officers, elected officials and employees as provided in **Section 1-2-35** of this Chapter, then the Village shall indemnify and cause to defend municipal officers, elected officials and employees from any claim filed by an individual, partnership or corporation when the claim is founded on any act or omission of the municipal officers, elected officials or employees while in the performance of their official duties, except the Village shall not indemnify, but shall defend any municipal officer, elected official or employee from any claim made by an individual, partnership or corporation wherein the claim alleges that the municipal officer, elected official or employee acted intentionally, maliciously or wantonly and further, shall not indemnify or cause to defend the officials or employees where the claim is directly or indirectly related to the negligent care or use of a vehicle as defined by the **Illinois Revised Statutes**, and the Village shall not indemnify any municipal officer, elected official or employee from any claim made by a municipal officer, elected official or employee.

Notwithstanding any other provision of this Code, the Village shall not indemnify or cause to defend any municipal officers, elected officials or employees if the municipal officers, elected officials or employees have liability insurance insuring the municipal officers, elected officials or employees from the alleged claim; however, the Village shall indemnify the municipal officer, elected official or employee the personal deductible limits of their personal policy.

1-2-37 ILLINOIS MUNICIPAL RETIREMENT FUND.

(A) The Village does hereby elect to participate in the **Illinois Municipal Retirement Fund.**

(B) **Special Tax.** The Village includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the Village's cost of participating in the Retirement Fund and appropriate funds therefrom to pay the cost of participation.

(Ord. #73-6; 07-02-73)

1-2-38 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

(A) **Eligible employees** shall mean all employees of the Village, eligible under the Federal Act, except persons elected to office by popular election and also the Village Treasurer and Village Attorney.

(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid as required by law.

1-2-39 LEGAL HOLIDAYS. The following days shall be recognized as legal holidays and all public access offices of the Village shall be closed:

- (A) New Year's Day
- (B) Martin Luther King's Birthday (Third Monday in January)
- (C) President's Day (Third Monday in February)
- (D) Memorial Day
- (E) Fourth of July
- (F) Labor Day
- (G) Veteran's Day
- (H) Thanksgiving
- (I) Christmas

If any of the above referenced holidays fall on a Saturday, the Friday prior is observed and if the holiday falls on a Sunday, the following Monday is observed. **(Ord. No. 2000-38; 11-06-00)**

1-2-39.1 VILLAGE OFFICES CLOSED. In addition to recognition of the legal holidays set out under **Section 1-2-39**, all public access offices of the Village shall be closed on the following days:

- (A) Good Friday
- (B) Friday after Thanksgiving

(Ord. No. 2000-38; 11-06-00)

DIVISION V - MAYOR

1-2-40 **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until his successor is elected and has qualified. (**Ill. Rev. Stat., Ch. 24; Sec. 3-5-1**)

1-2-41 **MAYOR PRO-TEM.** During a temporary absence or disability of the Mayor which incapacitates him from the performance of his duties, but does not create a vacancy in the office, the Mayor shall appoint one of the Trustees, and if he cannot, the Board of Trustees shall appoint one of its members to act as Mayor Pro-tem. The Mayor Pro-tem, during this absence or disability shall perform his duties and possess all the rights and powers of the Mayor. The Mayor may appoint an officer to administer the affairs of the Village with the advice and consent of the Village Board whenever the Village Board considers it necessary and expedient. (**See Ill. Rev. Stat., Ch. 24; Sec. 3-11-15**)

1-2-42 **VACANCY.** If a vacancy occurs in the office of the Mayor and there remains an unexpired portion of the term of at least **twenty-eight (28) months** and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The Village Board shall elect one of its members as "**Acting Mayor**" who shall perform the duties and shall possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified. (**Ill. Rev. Stat., Ch. 24; Sec. 3-4-6**)

1-2-43 **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the Village and he shall see to the enforcement of all laws and ordinances. He shall preside over the meetings of the Board of Trustees and perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and Village employees; provided, however, his control is subject to the power of the Village Board to prescribe the duties of various officers and employees. He shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to Village affairs and kept by any officer of the Village. (**Ill. Rev. Stat., Ch. 24; Secs. 3-11-3 and 3-11-6**)

1-2-44 **MAYOR'S SIGNATURE.** The Mayor shall sign all Village warrants, commissions, permits and licenses granted by authority of the Village Board, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature.

The Mayor may designate another to affix his signature to any written instrument that requires the Mayor's signature. The Mayor must send written notice of this designation to the Village Board stating: (1) the name of the person whom he has selected, and (2) what instrument the person will have authority to sign. A written signature of the Mayor executed by the person so designated with the signature underneath the signature of the person so designated shall be attached to the notice. The notice with the signature attached shall be recorded in the journal of the Village Board and then filed with the Village Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument, in all respects, shall be as binding on the Village as if signed by the Mayor in person.

(Ill. Rev. Stat., Ch. 24; Sec. 3-11-5)

1-2-45 **APPOINTMENT OF OFFICERS.**

(A) **Appointed.** At the first annual meeting in May, the Mayor shall appoint, by and with the advice and consent of the Village Board, all officers of the Village whose election or appointment is not otherwise provided for, and said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality. **(Ill. Rev. Stat., Ch. 24; Secs. 3-7-2, 3-13-10 and 3-14-2)**

(B) **Filling Vacancies.** The Mayor shall appoint, by and with the advice and consent of the Village Board, all officers of the Village whose appointment will not otherwise be provided for by law; and whenever a vacancy shall occur in any office, which by law or ordinance the Mayor is empowered and required to fill, the Mayor shall, at the next regular meeting of the Village Board, communicate to it the name of the appointee to such office and pending the concurrence of the Village Board in such appointment, the Mayor may designate some suitable person to discharge the functions of such office.

(Ill. Rev. Stat., Ch. 24; Secs. 3-4-3 and 3-4-15; Ch. 102; Sec. 2)

1-2-46 SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS. The Mayor shall supervise the conduct of all officers of the Village and see that they faithfully and efficiently discharge the duties of their respective offices. The Mayor shall have the power to remove any officer appointed by him on any formal charge whenever the Mayor shall be of the opinion that the interests of the Village demand such removal, but the Mayor shall report the reasons for the removal to the Village Board to be heard not less than **five (5) days nor more than ten (10) days** after such removal. If the Mayor shall fail or refuse to file with the Village Clerk a statement of the reasons for such removal, or if the Village Board, by a **two-thirds (2/3) vote** by yeas and nays of all its members authorized by law to be elected, to be entered upon its record, disapprove of such removal, then such officer shall thereupon become restored to the office from which the person was so removed, but the person shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. **(Ill. Rev. Stat., Ch. 24; Secs. 3-11-1 and 3-12-2)**

1-2-47 DESIGNATION OF OFFICERS' DUTIES. Whenever there is a dispute as to the respective duties or powers of any appointed officer of the Village, this dispute shall be settled by the Mayor, after consultation with the Village Attorney; and the Mayor shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty.

1-2-48 FORMAL OCCASIONS. The Mayor shall act for and on behalf of the Village on formal occasions and receptions, but in his absence or inability to attend any such function, the Mayor may select any other Village officer to so act.

1-2-49 GENERAL DUTIES. The Mayor shall perform all the duties which are prescribed by law and shall take care that the laws and ordinances are faithfully executed. **(Ill. Rev. Stat., Ch. 24; Secs. 3-11-4 and 3-11-6)**

1-2-50 BUSINESS LICENSE COMMISSIONER. The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law, with the advice and consent of the Village Board.

1-2-51 LOCAL LIQUOR COMMISSIONER. The Mayor is hereby designated as Local Liquor Commissioner with all the powers to license and/or revoke any Village liquor license according to State and Village laws. **(Ill. Rev. Stat., Ch. 43; Sec. 111)**

1-2-52 **DECIDING VOTE - MAYOR.** The Mayor shall preside at all meetings of the Village Board. He shall not vote on any ordinance, resolution or motion, except:

- (A) Where the vote of the Trustees has resulted in a tie; or
- (B) Where **one-half (1/2)** of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie; or
- (C) Where a vote greater than a majority of the corporate authorities is required by the **Illinois Compiled Statutes** to adopt an ordinance, resolution or motion.

In each instance specified, the Mayor shall vote. Nothing in this section shall deprive an Acting Mayor or Mayor Pro-tem from voting in his capacity as Trustee, but he shall not be entitled to another vote in his capacity as Acting Mayor or Mayor Pro-tem. **(See 65 ILCS Secs. 5/3-11-14 and 5/3-11-17)**

1-2-53 - 1-2-55 **RESERVED.**

DIVISION VI - VILLAGE CLERK

1-2-56 **ELECTED.** The Village Clerk shall be elected at the same election as the Mayor for a **four (4) year** term and shall serve until a successor is elected and has qualified.

1-2-57 **PUBLICATION OF ORDINANCES; BOARD MINUTES; RECORDS.**

(A) **Ordinances.** The Village Clerk shall cause all ordinances passed by the Village Board and approved by the Mayor, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once within **thirty (30) days** after passage, in **one (1)** or more newspapers published in the Village. **(See 65 ILCS Sec. 5/1-2-4)**

(B) **Minutes; Records.** The Village Clerk shall attend all meetings of the Village Board and shall keep in a suitable book to be styled "The Journal of the Village Board", a full and faithful record of its proceedings. All minutes shall be filed for permanent record upon review and approval by the Village Board at a subsequent regular or special called meeting. All recordings of meetings, whether audio or video, shall be retained by the Vil-

lage Clerk until printed minutes are approved by the Village Board and filed of record, after which time such video or audio recordings may be destroyed. The Village Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the Village Board, and at the foot of the record of each ordinance so recorded, the Village Clerk shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance. The Village Clerk shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. **(Ord. No. 93-10; 4-19-93)**

(C) **Issue Notices.** He shall issue and cause to be served upon all Trustees, notices of all special meetings of the Village Board; also notices to the members of the different committees of that body and all persons whose attendance may be required before any such committee, when so directed by the chairman thereof. **(See 65 ILCS Sec. 5/3-10-7)**

1-2-58 DELIVERY OF PAPERS TO OFFICERS. The Clerk shall deliver to the several committees of the Village Board and to the officers of this Village, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Board on demand therefor. He shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. **(See 65 ILCS Sec. 5/3-10-8)**

1-2-59 PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES. The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this Code and shall attest the same with the corporate seal, and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this Village.

1-2-60 REPORT OF LICENSES. The Clerk shall report to the Village Board at its regular meeting each month and oftener if the Board so requires the data contained in his license register with respect to licenses issued during the previous month.

1-2-61 LICENSE PLATES. In all cases where the Village requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to deliver such plates, tags, or stickers to the person paying the license fee.

1-2-62 **ADMINISTRATION OF OATHS.** The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(Ill. Rev. Stat., Ch. 24; Sec. 3-9-3)**

1-2-63 **OUTSTANDING BONDS.** The Clerk shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the Village, showing the number and amount of each, for and to whom the bonds are issued; and when the Village bonds are issued, or purchased, or paid, or canceled, the book or books shall show that fact; [and in his annual report, the Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof]. **(Ill. Rev. Stat., Ch. 24; Sec. 3-11-23)**

1-2-64 **REPORTS.** The Clerk shall, on or before the regular meeting in each month, make out and submit to the Village Board a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from or what sources and on what account moneys were received, and for what purposes and on what account the warrants were drawn or paid.

1-2-65 **SUCCESSOR.** The Village Clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the Village or pertaining to his office, and not in actual use and possession of other Village officers; and upon the expiration of his official term, he shall deliver all such books, records, papers and effects to his successor in office.

1-2-66 **PAYMENTS.** The Clerk shall prepare daily an itemized list of all moneys received and shall deliver a copy of the same to the Village Treasurer and shall also pay over to the Treasurer all moneys received by him and take a receipt therefor.

1-2-67 **SUBMIT APPROPRIATION TO VILLAGE BOARD.** The Clerk shall on or before the **fifteenth (15th) day of May in each year**, and before the annual appropriations to be made by the Village Board, submit to the Village Board a report of his estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, he is hereby authorized to require of all officers their statement of the condition

and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report, he shall give such other information to the Village Board as he may deem necessary to the end that the Village Board may fully understand the money exigencies and demands upon the corporation for the current year.

1-2-68 NOTIFICATION TO PERSONS APPOINTED TO OFFICE.

Within **five (5) days** after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

1-2-69 DEPUTY CLERK.

The Village Clerk, when authorized by the Village Board, may appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the Village thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the Village Clerk followed with the word, "**By**" and the Deputy Clerk's name and the words, "**Deputy Clerk**".

The powers and duties herein described shall be executed by such Deputy Clerk only in the absence of the Village Clerk from the Village Clerk's office in the Village Hall, and only when either written direction has been given by the Village Clerk to such Deputy Clerk to exercise such power or the Village Board has determined by resolution that the Village Clerk is temporarily or permanently incapacitated to perform such functions. **(Ill. Rev. Stat., Ch. 24; Sec. 3-9-2)**

1-2-70 OTHER DUTIES.

In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the Village Board.

1-2-71 - 1-2-72 RESERVED.

DIVISION VII - VILLAGE TREASURER

1-2-73 **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the Village which shall be known as the "**Finance Department**". It shall embrace the Village Board Committee on Finance and the Village Treasurer.

1-2-74 **FINANCE COMMITTEE.** The standing committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

1-2-75 **TREASURER APPOINTED.** The Treasurer shall be appointed for a **one (1) year term** with the advice and consent of the Village Board and he shall serve until his successor is appointed and has qualified.

1-2-76 **MONEY; WARRANTS; ACCOUNTS; PAYMENTS.** The Village Treasurer shall receive all moneys belonging to this Village and shall pay all warrants signed by the Mayor and countersigned by the Village Clerk and not otherwise; and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He shall give to every person paying money into the Village Treasury a receipt therefor, specifying the date of payment, and upon what account paid, and he shall file copies of such receipts with the Clerk with his monthly reports.

The Treasurer shall prepare daily an itemized list of all moneys received and shall pay over to the Village Treasury all moneys received by him and take a receipt therefor. **(Ill. Rev. Stat., Ch. 24; Sec. 3-10-2 and 8-1-8)**

1-2-77 **WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid by him showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid; and he shall cancel all warrants as soon as redeemed by him. **(Ill. Rev. Stat., Ch. 24; Sec. 8-1-8 and 8-1-9)**

1-2-78 **SEPARATION OF FUNDS.** The Treasurer shall keep all moneys in his hands belonging to this Village separate and distinct from his own money, and he shall not use, either directly or indirectly, the Village moneys or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this section shall subject him to removal from office by the Village Board. **(Ill. Rev. Stat., Ch. 24; Sec. 3-10-4)**

1-2-79 **BOND.** The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the Village for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than **one and one-half (1 1/2) times** the largest amount which the Board estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the Village, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. **(See Section 1-2-25 for bond amounts.)**

1-2-80 **SPECIAL ASSESSMENTS.** The Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto.

1-2-81 **BOOKKEEPING.** The Treasurer shall keep his books and accounts in such a manner as to show with accuracy, all moneys received and disbursed by him for the Village, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor or the Finance Committee of the Board.

1-2-82 **STATEMENTS.** The Treasurer shall report to the corporate authorities at the regular monthly meeting, a full and detailed account of all receipts and expenditures of the municipality as shown by his books up to the time of the report. **(Ill. Rev. Stat., Ch. 24; Sec. 3-10-15)**

1-2-83 **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the Village Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this section. The Treasurer shall show the following in such account:

(A) All monies received by the Village, indicating the total amounts in the aggregate received in each account of the Village, with a general statement concerning the source of such receipts; provided, however, for the purposes of this paragraph, the term "**account**" shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the Village are credited to the general account; and

(B) Except as provided in paragraph (C) of this section all monies paid out by the Village where the total amount paid during the fiscal year exceeds **One Thousand Dollars (\$1,000.00)**, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(C) All monies paid out by the Village as compensation for personal services, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(D) A summary statement of operations for all funds and account groups of the Village as excerpted from the annual financial report, as filed with the appropriate state agency of the State of Illinois.

Upon receipt of such account from the Village Treasurer, the Village Clerk shall publish the account at least once in one or more newspapers published in the Village.

1-2-84 DEPOSIT OF FUNDS.

(A) **Designation by Board.** The Treasurer is hereby required to keep all funds and moneys in his custody belonging to the Village in such places of deposit as have been designated by **Section 1-2-85**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the Village in the custody of the Treasurer. When a bank has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified as provided by law. When a new depository is designated, the corporate authorities shall notify the sureties of the Treasury of that fact in writing at least **five (5) days** before the transfer of funds.

(B) **Qualifications of Bank.** No bank shall be qualified to receive Village funds or moneys until it has furnished the corporate authorities with copies of the last **two (2)** sworn statements of resources and liabilities which the bank is required to furnish to the auditor of public accounts or to the comptroller of currency. Each bank designated as a depository for such funds or moneys shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the auditor of public accounts or to the comptroller of currency.

(C) **Discharge from Liability.** The Treasurer shall be discharged from liability for all funds or moneys which he deposits in a designated bank while the funds and moneys are so deposited. If the Village funds or moneys are deposited in a designated bank, however, the amount of such deposits shall not exceed **seventy-five percent (75%)** of the bank's capital stock and surplus, and the Treasurer shall be responsible for funds or moneys deposited in the bank in excess of this limitation.

1-2-85 **INVESTMENTS.** The Village Treasurer is hereby authorized to invest surplus funds or reserve funds of the Village in the following types of investments:

(A) General Obligation Securities of the United States of America or of the State of Illinois.

(B) Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company.

(C) Short term discount obligations of the Federal National Mortgage Association.

(D) Insured Money Market Accounts.

(E) The following banks and/or depositories are herewith designated as places of deposit where the Treasurer of the Village is required to keep all funds and monies in his custody belonging to this municipality:

(1) Mercantile Bank of Illinois N.A., Bethalto, IL.

(2) First of Bethalto, a branch of First National Bank in Staunton, Bethalto, IL.

(3) Illinois Public Treasurers' Investment Pool, Springfield, IL.

(4) Metro Savings Bank F.S.B., Wood River, IL.

(Ord. No. 95-3; 03-20-95)

DIVISION VIII - CORPORATE COUNSEL

1-2-88 **APPOINTMENT.** There is hereby created the office of Corporate Counsel, an executive office of the Village. The Corporate Counsel shall be appointed annually by the Mayor, by and with the advice and consent of the Village Board. **(III. Rev. Stat., Ch. 24; Sec. 3-7-3)**

1-2-89 **DUTIES - COMPENSATION.** The Corporate Counsel shall have full charge of the law affairs of the Village and shall be known as the Corporate Counsel and shall receive compensation for office services and advice, and shall receive reasonable fees for other services rendered when, in his judgment, or in the judgment of the Mayor or Village Board, the same are necessary or are for the best interests of the Village.

(A) **Preparation of Ordinances.** He shall, when required, advise the Village Board or any officer in all matters of law in which the interests of the corporation are involved, and he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Mayor, the Village Board, or any committee thereof.

(B) **Commissions.** The Corporate Counsel shall act as the legal advisory for the Zoning Board of Appeals and the Plan Commission, if any, and he shall perform the legal services required of said Commission and Board of Appeals. **(III. Rev. Stat., Ch. 24; Sec. 3-7-3)**

1-2-90 **RESERVED.**

DIVISION IX - VILLAGE ATTORNEY

1-2-91 **APPOINTMENT.** There is hereby created the office of Village Attorney, an executive office of the Village. The Village Attorney shall be appointed annually by the Mayor, by and with the advice and consent of the Village Board. **(III. Rev. Stat., Ch. 24; Sec. 3-7-3)**

1-2-92 **COMPENSATION.** The Village Attorney shall receive compensation for office services, suits and prosecuting ordinance violations and shall receive reasonable fees for other services rendered when, in his judgment, or in the judgment of the Mayor or Village Board, the same are necessary or are for the best interests of the Village.

1-2-93 **DUTIES.**

(A) **Prosecute for Village.** The Village Attorney shall prosecute or defend on behalf of the Village in all cases in which the interests of the corporation or any officer thereof are involved; and the Village Clerk shall furnish him with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

(B) **Judgments.** He shall direct executions to be issued upon all judgments recovered in favor of the Village, and he shall direct their prompt service. He shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the Village therefore.

(C) **Violations of Ordinances.** He shall institute and prosecute an action in every case of violation of a Village ordinance when instructed to do so by the Mayor or the Village Board.

(D) **Prosecution of Suits.** He shall not be required to prosecute any suit or action arising under the ordinances of the Village when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable.

(E) **Collection of Taxes.** He is hereby authorized and instructed to enforce the collection of any and all taxes and special assessments in the collection of which the Village is interested and to attend all sales of real or personal property made to enforce the collection of such taxes or special assessments and to bid thereat on behalf of the Village.

1-2-94 UNDUE INFLUENCE PROHIBITED. No Village officer or employee shall contact any Village Attorney with an intent to offer any reward or threaten any detriment or punishment to affect the action of the prosecutor in any specific case.

1-2-95 INNOVATIVE APPROACHES ENCOURAGED. It is the policy of the Village to correct law violations by whatever lawful means may be the most effective way to ensure that an individual will not repeat an offense. The Village Attorney is authorized and directed to cooperate with alternative programs to fines and imprisonment. Such alternatives shall include assisting and arranging for treatment of physical problems which appear to be related to law violations, arranging educational programs including formal or informal educational programs, and using programs provided by the Board for alternative treatment for alcoholics and programs provided by the Board for alternatives to fines and imprisonments. Nothing in this section shall be interpreted to prohibit the Village Attorney from proceeding with any prosecution, even in cases where such alternative actions or treatments are either available or actually in use.

1-2-96 VILLAGE PROSECUTOR'S FEE.

(A) For each complaint that is prosecuted on behalf of the Village to enforce the provisions of general ordinances of the Village and also to enforce provisions of State Statutes, statutes affecting the affairs of the Village, there shall be added as costs to be assessed against the defendant in each case the sum of **Twenty-Five Dollars (\$25.00)** to be known as the "**Village Prosecutor's Fee**".

(B) Upon said defendant being found guilty of the charges as set up in the complaint that is filed on behalf of the Village in any of the two above named situations, it shall be the duty of the Court before whom such matter is heard to assess a Village Prosecutor's Fee in the sum of **Twenty-Five Dollars (\$25.00)**, which shall be paid directly to the Prosecutor by the Clerk of the Circuit Court, and that the fine or penalty as assessed by the Court for the violation of the complaint shall be paid to the Village Clerk.

1-2-97 RESERVED.

DIVISION X - VILLAGE ENGINEER

1-2-98 **APPOINTMENT.** With the advice and consent of the Village Board, the Mayor may appoint an engineer for the Village, who shall serve for the term of the Mayor or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and Village Board.

1-2-99 **RESERVED.**

**DIVISION XI - CODE ENFORCEMENT OFFICER
(ZONING ADMINISTRATOR)**

1-2-100 **CREATION OF OFFICE.** There is hereby created the executive position of "**Zoning Administrator**" which officer and organizational personnel shall be appointed by the Mayor at the **first regular meeting in May**, with the advice and consent of the Village Board. He shall also serve as the **Flood Plain Inspector, and as the Code Enforcement Officer.** His term of office shall be for **one (1) year** or until his successor is appointed and has qualified.

1-2-101 **DUTIES.** The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code, as amended from time to time and is in effect in accordance with the powers and duties therein set forth, and in furtherance of such authority, he shall:

- (A) Issue all zoning certificates and maintain records thereof.
- (B) Issue all certificates of occupancy, and make and maintain records thereof.
- (C) Issue "**Temporary Certificates of Zoning Compliance**" as authorized by the Zoning Code.
- (D) Conduct inspections of buildings, structures, and land to determine compliance with the Zoning Code and to notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.

Administration 1-3-1

(E) Order the discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by statute or by the Zoning Code to insure compliance with or to prevent violation of the provisions.

(F) Prepare and cause to be published on or before **March 31st of each year** a map showing the existing zoning uses, divisions, restrictions, regulations and classifications in effect on the preceding **December 31st**.

(G) Maintain permanent and current records of the Zoning Code, including, but not limited to, all maps, amendments, special-use permits, planned building developments, variances, appeals, and applications therefor.

(H) Provide and maintain a source of public information relative to all matters arising out of the Zoning Code.

(I) Receive, file and forward to the Plan Commission all applications for amendments, use variances and special permits and other matters on which the Plan Commission is required to act upon under the Zoning Code.

(J) Receive, file and forward to the Zoning Board of Appeals all applications for variance, appeals and other matters on which the Board is required to act upon under the Zoning Code.

(K) Keep the Mayor and Village Board advised of Zoning activities by written report once each month, including statements of permits and certificates issued and orders promulgated.

(L) The Zoning Administrator may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Mayor in enforcing orders, of the Legal Department in prosecuting violators, and of other Village officials and officers.

(M) The Zoning Administrator shall perform such other duties as a Code Enforcement Officer, as prescribed by Codes and Laws of the Village and as may be specifically assigned to him by the Village Board. Such Codes and Laws may include, but not be limited to, the **Mobile Housing Code, and Subdivision Code**, as adopted and amended from time to time by the Village Board.

1-2-102 - 1-2-103 RESERVED.

DIVISION XII - VILLAGE COLLECTOR

1-2-104 **OFFICE CREATED.** There is hereby created the office of Village Collector, an executive office of the Village.

1-2-105 **VILLAGE CLERK AS COLLECTOR.** The Village Clerk shall act as and perform all duties of Collector unless and until a separate Collector is appointed. **(Ill. Rev. Stat., Ch. 24; Sec. 3-3-3)**

1-2-106 **DUTIES.** The Village Collector shall be responsible for collecting and preserving all funds and warrants returned to him and shall keep the books and accounts in such a manner as the Village Board may prescribe. The Village Collector shall pay over to the Village Treasurer all money collected by him from any source whatever, taking the Village Treasurer's receipt therefor in duplicate.

1-2-107 **OTHER ASSIGNED DUTIES.** The Village Collector shall perform all other functions as may appropriately be required of him or her by the Village Board or under the Statutes of the Illinois Municipal Code.

1-2-108 **COMPENSATION.** The Office of Village Collector shall not be entitled to compensation, separate and apart from the Village Clerk's compensation, for any time period subsequent to May 1, 2001. **(Ord. No. 2000-27; 09-05-00)**

1-2-109 **RESERVED.**

DIVISION XIII

PUBLIC WORKS DIRECTOR

1-2-110 **OFFICE ESTABLISHED.** There is hereby established, the office of Public Works Director, an executive office of the Village. The Director shall annually be appointed by the Mayor with the advice and consent of the Village Board.

1-2-111 **STREET DEPARTMENT.** The Public Works Director shall have charge of the construction and care of all public streets, alleys, and driveways in the Village, and with keeping the same clean. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects. He shall carry out the duties and responsibilities outlined in **Chapter 33** of this Code. He shall keep the Streets and Alleys Committee informed of the needs of the department.

1-2-112 **WATER AND SEWER DEPARTMENT.** The Public Works Director shall have charge of the operation and maintenance of the Village water and sewer distribution systems. He shall carry out the duties and responsibilities of **Chapter 34 and 38** of this Code pertaining to the water and sewer systems. He shall keep the Water, Sewer and Refuse Committee informed of the needs of the department.

1-2-113 **PARKS.** The Public Works Director shall have charge of the operation and maintenance of all municipal parks and recreation areas. He shall carry out the duties and responsibilities of **Chapter 28** of this Code and all others as the Mayor and Village Board may prescribe. He shall report all of the needs of the Park Department to the Parks, Public Buildings and Recreation Committee as often as necessary.

1-2-114 **DEPARTMENT EMPLOYEES.** All officers or employees assigned to the Department of Public Works shall perform their duties subject to the orders and under the supervision of the Public Works Director.

1-2-115 **PROPERTY CUSTODIAN.** The Public Works Director shall be the custodian of all property of the Village which is not assigned to the care or custody of any other officer.

ARTICLE III - OFFICIAL SALARIES

1-3-1 SALARIES ESTABLISHED. The salaries and compensation of the following officials elected for a definite term for the Village are hereby fixed and determined as follows: to-wit:

- (A) **Village President.** The Village President's salary shall be:
- (1) From May 1, 2008 to April 30, 2009 \$4,620.94 per month
For all terms commencing on May 1, 2009 and later, the Village President's salary shall be:
 - (2) From May 1, 2009 to April 30, 2010 \$57,669.36 annually or \$4,808.78 per month
 - (3) From May 1, 2010 to April 30, 2011 \$59,976.12 annually or \$4,998.01 per month
 - (4) From May 1, 2011 to April 30, 2012 \$62,375.16 annually or \$5,197.93 per month
 - (5) From May 1, 2012 to April 30, 2013 \$64,870.20 annually or \$5,405.85 per month

The Village President shall also be reimbursed actual out-of-pocket expenses reasonably incurred for out-of-town lodging and meals, for the use of his personal automobile at the current allowable Internal Revenue Service general standard mileage rate per mile in or out of town and for other general expenses incurred by him in the discharge of his duties as Village President. The Village President shall also be reimbursed an additional sum not exceeding **Ninety Dollars (\$90.00)** per calendar quarter for office supplies, postage and other incidental office expenses. Such expenses shall be itemized and submitted to the Finance Committee in writing quarterly for approval before payment. **One-half (1/2)** of the salary and **one-half (1/2)** of the expenses shall be charged and paid out of the Water and Sewer Operating Fund and the other **one-half (1/2)** shall be charged to the General Corporate Fund.

(B) **Trustees.** Each Trustee shall receive an annual compensation of **Three Thousand Dollars (\$3,000.00)** paid in monthly installments of **Two Hundred Fifty Dollars (\$250.00)**. Commencing **May 1, 2011** each trustee shall receive an annual compensation of **Three Thousand Three Hundred Dollars (\$3,300.00)** paid in monthly installments of **Two Hundred Seventy-Five Dollars (\$275.00)**. Such compensation shall be for all regular meetings, special meetings and all committee meetings. In addition, the Trustees shall be reimbursed out-of-pocket incidental expenses necessarily incurred when performing duties as a member of the Village Board or as a member of any committee of the Board or performing any other authorized services for the Village, including the current allowable Internal Revenue Service general standard mileage rate per mile for car expenses when such Trustee's personal automobile is used for that purpose. **Two-thirds (2/3)** of the salary and **two-thirds (2/3)** of the expenses shall be charged and paid out of the General Corporate Fund and the other **one-third (1/3)** of the salary and **one-third (1/3)** of the expenses shall be charged and paid out of the Water and Sewer Operating Fund.

(C) **Village Clerk.** The Village Clerk's salary shall, for the time periods referenced below, be considered as total compensation for services rendered as both Village Clerk and Village Collector:

- (1) From May 1, 2008 to April 30, 2009 \$4,091.48 per month
For all terms commencing on May 1, 2009 and later the Village Clerk's salary shall be:
- (2) From May 1, 2009 to April 30, 2010 \$51,061.68 annually or \$4,255.14 per month
- (3) From May 1, 2010 to April 30, 2011 \$53,104.20 annually or \$4,425.35 per month
- (4) From May 1, 2011 to April 30, 2012 \$55,228.32 annually or \$4,402.36 per month
- (5) From May 1, 2012 to April 30, 2013 \$57,437.40 annually or \$4,786.45 per month

Such compensation shall be paid out of the Village General Corporate Fund. In addition, **Sixty Dollars (\$60.00)** shall be paid to the Village Clerk for each meeting attended as Clerk of the Utilities and Service/Water and Sewer Committee.

The hours that the Clerk's office shall be open to the public shall be **9:00 A.M. to 5:00 P.M.**, Monday through Friday. The Clerk shall be provided with an assistant during office hours, to be shared as needed with the Mayor's office. **(Ord. No. 2008-10; 06-02-08)**

ARTICLE IV - PUBLIC WORKS PREVAILING WAGES

1-4-1 PREVAILING WAGE DETERMINATION. To the extent and as required by "**An Act regulating wages of laborers, mechanics, and other workers employed in any public works by State, county, city or any public body for public works,**" approved **June 25, 1941**, as amended, the general prevailing rate of wages in this locality for laborers, mechanics, and other workers engaged in construction of public works coming under the jurisdiction of the Board of Trustees of the Village of Bethalto is hereby ascertained to be the same as the prevailing rate of wages for construction work in Madison County area determined by the Department of Labor of the State of Illinois. In June of each year, the Board of Trustees shall, by resolution, adopt the generally prevailing rate of wages as determined by the Department of Labor. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by the Board of Trustees of the Village of Bethalto. The definition of any terms appearing in this ordinance which are also used in aforesaid Act shall be the same as in said Act.

1-4-2 RATES RESTRICTED TO PUBLIC WORKS CONSTRUCTION. Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work of employment except public works construction of the Board of Trustees of the Village of Bethalto to the extent required by the aforesaid Act.

1-4-3 RATES TO BE POSTED. The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of the Village of Bethalto this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

1-4-4 **RATES TO BE PROVIDED TO INTERESTED PERSONS.** The Village Clerk shall mail a copy of this determination to any employer and to any association of employers and to any person or association of employers and to any person or association of employees who have filed their names and addresses requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

1-4-5 **RATES TO BE FILED WITH STATE AGENCIES.** The Village Clerk shall promptly file a certified copy of this Ordinance with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

1-4-6 **ANNUAL PUBLICATION.** The Village Clerk shall annually cause to be published in a newspaper of general circulation within the Village of Bethalto a copy of the Resolution required by this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of the Village of Bethalto, Illinois. **(Ord. No. 91-6; 5-20-91)**

ARTICLE V – ETHICS CODE

1-5-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of Sections 5-15 (**5 ILCS 430/5-15**) and Article 10 (**5 ILCS 430/10-10 through 10-40**) of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by **5 ILCS 430/70-5**.

(B) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or employee of the Village, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.

(E) For the purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in **5 ILCS 430/70-5(c)**.

(F) The penalties for violations of this Section shall be the same as those penalties set forth in **5 ILCS 430/50-5** for similar violations of the Act.

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of **5 ILCS 430/70-5(a)**.

(H) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(Ord. No. 2004-10; 05-03-04)

ARTICLE VI – INVESTMENT POLICY

1-6-1 **POLICY.** It is the policy of the Village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Village and conforming to all State and local statutes governing the investment of public funds.

1-6-2 **SCOPE.** This policy includes all public funds of the Board of Trustees.

1-6-3 **PRUDENCE.** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

- 1-6-4** **OBJECTIVE.** The primary objective, in order of priority, shall be:
- (A) **Legality.** Conformance with federal, state and other legal requirements.
 - (B) **Safety.** Preservation of capital and protection of investment principal.
 - (C) **Liquidity.** Maintenance of sufficient liquidity to meet operating requirements.
 - (D) **Yield.** Attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the Village’s needs for safety, liquidity, rate of return, diversification and its general performance.

1-6-5 **DELEGATION OF AUTHORITY.** Management and administrative responsibility for the investment program is hereby delegated to the Finance Treasurer who, under the delegation of the Board of Trustees, shall establish written procedures for the operation of the investment program.

1-6-6 **ETHICS AND CONFLICTS OF INTEREST.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

1-6-7 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.

The Finance Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness.

1-6-8 AUTHORIZED AND SUITABLE INVESTMENTS.

Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

1-6-9 COLLATERALIZATION.

Funds on deposit (checking accounts, certificates of deposit, etc.) in excess of FDIC limits must be secured by some form of collateral, witnessed by a written agreement and held at an independent third party institution in the many of the Village.

1-6-10 SAFEKEEPING AND CUSTODY.

All security transactions, including collateral for repurchase agreements, entered into by the Village, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

1-6-11 DIVERSIFICATION.

The Village shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

1-6-12 MAXIMUM MATURITIES.

To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than **one (1) year** from the date of purchase.

Reserve funds may be invested in securities exceeding **one (1) year** if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

1-6-13 INTERNAL CONTROL.

The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the Village are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

- (A) Control of collusion.
- (B) Separation of transaction authority from accounting.
- (C) Custodial safekeeping.
- (D) Written confirmation of telephone transactions for investments and wire transfers.

1-6-14 **PERFORMANCE STANDARDS.** This investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio.

1-6-15 **REPORTING.** The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Board of Trustees and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the Board.

1-6-16 **MARKING TO MARKET.** A statement of the market value of the portfolio shall be issued to the Board of Trustees quarterly.

1-6-17 **INVESTMENT POLICY REVIEW.** This policy shall be reviewed on an annual basis by the Treasurer and any modifications made thereto must be approved by the Board of Trustees.

(Ord. No. 99-36; 12-06-99)