

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. This 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 said 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 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

Revised Code

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. The 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 section], 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.

Revised Code

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:

Revised Code

VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF CLINTON)
 VILLAGE OF GERMANTOWN)

VILLAGE CLERK'S OFFICE

I, _____, Village Clerk of the Village of Germantown, Illinois, do hereby certify that the following Revised Code of Ordinances of the Village of Germantown, Illinois of 1985, published by authority of the Village Trustees were duly passed by the Village Trustees of the Village of Germantown, 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 and 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 Germantown, Illinois, this _____ day of _____, 1985.

 VILLAGE CLERK
 VILLAGE OF GERMANTOWN

(SEAL)

DIVISION III - DEFINITIONS

1-1-13 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,

Revised Code

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 provisions excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-14 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." The word "agent" as used in this Code shall mean a person acting on behalf of another.

"BOARD." The word "Board," unless otherwise indicated shall mean the Village Board of Trustees of the Village of Germantown, Illinois.

"CODE." The word "Code" or "this Code" shall mean the Revised Code of Ordinances of the Village of Germantown, Illinois.

"CORPORATE AUTHORITIES." The words "corporate authorities" shall mean the Mayor and the Village Board of Trustees.

"COUNTY." The word "County" shall mean the County of Clinton.

"EMPLOYEES." The word "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." The word "fee" or "fees" as used in this Code shall mean a sum of money charged by the Village for the 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." The word "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." The words "legal holiday" shall mean the holidays as authorized and recognized by the Village Board in the employee agreement.

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

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

"MISDEMEANOR." The word "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.

"NEGLIGENT." The word "negligent" as well as "neglect," "negligence" and "negligently" imports a want of such attention to the

Revised Code

nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE." The word "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." The word "occupant" 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." The word "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." Whenever reference is made in this Code to a Village Officer by title only, this shall be construed as though followed by the words "of the Village."

"OFFICIAL TIME." Central Standard Time shall be the official time for the transaction of the 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." The word "operator" as used in this Code shall mean the person who is in charge of any operation, business or profession.

"OWNER." The word "owner" 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." The word "person" shall mean any natural individual, firm, trust, partnership, association or corporation in his or its own capacity or 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 shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY." The term "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." The word "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.

"STATE." The word "State," unless otherwise indicated shall mean the State of Illinois.

Revised Code

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

"TENANT." The word "tenant" 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." The word "Village" shall mean the Village of Germantown, Illinois.

"WHOLESALE." The words "wholesaler" 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." The word "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." The terms "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.

1-1-15 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 re-enacted.

1-1-16 - 1-1-19 RESERVED.

Revised Code

DIVISION IV – GENERAL PENALTY

1-1-20 PENALTY.

(A) Any person convicted of a criminal violation of any Section of this Code where the penalty is not otherwise specifically provided in this Code shall be fined not more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any Section of this Code where the penalty is not otherwise specifically provided in this Code shall be fined not 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) Whoever commits an offense against the Village or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another, would be an offense against the Village is punishable as a principal.

(E) All municipal ordinance offenses may be satisfied without a court appearance by a written plea of guilty and payment of the imposed fine. In the event that a court appearance is required for said violation, fines shall include court costs.

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

1-1-22 APPLICATION OF PENALTY.

(A) The penalty provided in this Chapter shall be applicable to every section of this 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 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 Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this 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 Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply

Revised Code

and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-23 **LIABILITY OF OFFICERS**. The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

Revised Code

ARTICLE II – VILLAGE OFFICIALS

DIVISION 1 – VILLAGE BOARD OF TRUSTEES

1-2-1 COMPOSITION AND GENERAL POWERS. The Village Board shall consist of 6 Trustees, elected in conformity with this Code and State law governing elections in Villages, and shall have such powers as are granted by Chapter 24, Illinois Compiled Statutes, as amended. The term of office shall be for 4 years or until their successors are elected and have qualified. (65 ILCS 5/3.1-25-5; composition of board 65 ILCS 5/3.1-45-5)

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 performance of their duties.

1-2-3 REGULAR MEETINGS. The regular stated meetings of the Village Board shall be held in the Village Hall Building on the third Tuesday of each month at 7:00 p.m. When the meeting date falls upon a legal holiday, the meeting shall be held on the following Wednesday at the same hour and place, unless otherwise designated. Adjourned meetings may be held at such times as may be determined by the Trustees. (5 ILCS 120/2.01)

1-2-4 SPECIAL MEETINGS. Specials meetings of the Village Board may be called by the Village President or any three Trustees by giving at least 24 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 Village President and members of the Village Board, provided such news media has given the Village an address with the Village at which such notice may be given. (65 ILCS 5/3-11-13; 5 ILCS 120/2.02 and 120/2.03)

1-2-5 VACANCY. When a vacancy occurs, if more than 28 months remain in the term and the vacancy occurs not less than 130 days before the next consolidated election, the office shall be filled for the unexpired portion of the term by special elec-

tion 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.

(A) The Mayor shall, with the advise and consent of the Village Board as soon after the beginning of his term as is practical, establish those standing committees of the Village Board which are deemed necessary or desirable.

(B) Members of the committees shall be appointed bi-annually by the Mayor.

(C) The Mayor shall be an ex-officio member of each and every standing committee.

(D) The first named Trustee of each committee shall act as the chairman of said standing committee.

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

(F) 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 same after the report is made, upon the request of any two Trustees present.

(G) 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.

1-2-7 SPECIAL COMMITTEES. Special Committees may be appointed by the Mayor subject to the advice and consent of the Trustees as may be needed from time to time.

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.

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

1-2-9 MEMBERS REFUSING TO ATTEND. Any member of the Village Board who shall neglect or refuse to attend any meeting

of the Village Board without good and sufficient excuse to be passed upon by the Village Board shall not receive compensation for said meeting under the provisions of this chapter. (Ill.Rev. Stat., Ch. 24; Sec 3-11-12 and 3-4-14)

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. (Ill.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 minutes
- (4) Citizens
- (5) Special communications
- (6) Petitions
- (7) Resignations
- (8) Appointments
- (9) Resolutions
- (10) Report of officers
- (11) Treasurer's report
- (12) Bills
- (13) Report of standing committees
- (14) Report of special committees
- (15) Unfinished business
- (16) New business

Revised Code

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 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 of the corporate authorities agree to 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.

NOTE: No Trustee shall speak longer than 10 minutes at any one time, except by consent of the Village Board; and in closing debate on any question, as above provided, the speaker shall be limited to 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.

Revised Code

(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 excused by the Board, or unless he is personally interested in the question, in which case, he shall not vote.

(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 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 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.

Revised Code

(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 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 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 pro-

Revised Code

posed 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 of the corporate authorities entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of two-thirds 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 vote of all Trustees elected.

(Ill. Rev. Stat., Ch. 24; § 3-11-11)

1-2-13 - 1-2-14 RESERVED.

Revised Code

DIVISION IV - GENERAL PROVISIONS

1-2-18 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 Germantown, Clinton County, Illinois" in the exterior circle, and the words "Corporate Seal" 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)

1-2-19 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.
(#81-2; 04-01-81)

1-2-20 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 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; Sec. 3-4-3 and 3-4-15; Ch. 102; Sec. 2)

Revised Code

(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 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. Final salary check shall be withheld if the code book is not returned. (Ill. Rev. Stat., Ch. 24; Sec. 3-14-2)

(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.

(H) Fees. No officer of the municipality shall be entitled to charge or receive any fees as against the Village.

(I) Report of Fees. 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.

(J) 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 Board may provide by law.

(K) Conservators of Peace. The Mayor, 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)

(L) 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 1-2-58)

Revised Code

1-2-21 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 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; § 3-14-1)

1-2-22 BONDS OF VILLAGE OFFICERS.

(A) Amount. Bonds of Village Officers required under Section 3.1-10-30 of the Illinois Municipal Code shall be executed in the following penal sums. (65 ILCS 5/3.1-10-30).

Mayor	\$ 3,000.00
Village Clerk	\$ 7,200.00
Village Treasurer	\$ 7,200.00
Budget Officer	\$ 3,000.00

(B) Premium Payment by Village. The surety bonds required by law shall be paid by the Village. (5 ILCS 270/1).

(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 Trustees, or any elected or appointed officer of the Village appears as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the Village Board, or is any bondsman, after becoming such is elected or appointed to the Village Office, this section shall not act as a release of any such obligation incurred.

1-2-23 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 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.

Revised Code

1-2-24 Repealed; see Ordinance No. 1996-07, enacted September, 1996.

1-2-24.1 BIDDING AND CONTRACT PROCEDURES.

(A) Competitive bidding required. Any work or other public improvement that 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. However, nothing contained in this Section 1-2-24.1 shall apply to any contract by and between the Village and the Federal government or agents thereof.

(B) Formal contract procedure. All work or other public improvement that 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), shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two thirds of the trustees then holding office.

(C) Advertisements for bids. A 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 shall specify 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.

Such bid deposits may be in the form of a certified check, bond or letter of credit in an amount as specified in the advertisement for bids to ensure finalization of the contract and to indemnify the Village against all loss, damages, and claims that may accrue against the Village as a consequence of the granting of the contract.

(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

Revised Code

shall be furnished to the Board of Trustees at its next regular meeting.

(G) Rejection of bids. The Village, through its corporate authorities, 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 money 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 interests 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 and to conform to the statutory requirements for such bonds.

(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) 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 in

such manner so as to ensure the best interests of the public after solicitation of bids on proposals by mail, telephone, facsimile transmission, or otherwise.

(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.

Regular employment contracts in the municipal service shall likewise be exempt from the provisions of this Ordinance.

(L) Emergency purchases. In case of an apparent emergency that 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. A finding of such an emergency shall be made in an affirmative vote of at least two thirds (2/3) of the Board of Trustees at the time of such emergency contract or no later than the first regular Village Board meeting thereafter.

(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.

1-2-25 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.

(Ill. Rev. Stat., Ch. 24; § 3-13-1, et seq.)

EDITOR'S NOTE: The salary of the 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.

Revised Code1-2-26 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 on or before the last day of each month 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.

1-2-27 FISCAL YEAR. The fiscal year of the Village shall begin on April 1st and end on the following March 31st. (Ill. Rev. Stat., Ch. 24; § 1-1-2[5])

1-2-28 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.

1-2-29 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; § 3-13-5 and 3-13-7)

1-2-30 VILLAGE RECORDS. All official records, including the Village Corporate Seal shall be kept in the Village Hall.

1-2-31 PECUNIARY INTERESTS IN CONTRACTS PROHIBITED. No municipal officer shall be interested, directly or indirectly in any contract, work, or business which (1) belongs to the municipality; or (2) is sold for taxes or assessments; or (3) is sold by virtue of legal process at the suit of the municipality.

1-2-32 PENSION SYSTEM - SOCIAL SECURITY.

(A) It is hereby declared to be the policy and purpose of the Village to extend to the eligible employees thereof, effective as of January 1, 1960, the benefits of the Federal Old Age and Survivors' Insurance System as authorized by the Federal Social Security Act and amendments thereto. In pursuance of the policy, and for that purpose, the Mayor shall take such action as may be required by applicable State and Federal Laws or Regulations.

(B) The Mayor is hereby authorized to execute an agreement with the State Employees' Retirement System of the State of Illinois (Social Security Unit) to secure coverage of eligible employees as provided in paragraph (A) hereof.
(10-7-59)

1-2-33 - 1-2-34 RESERVED.

Revised Code

DIVISION V - MAYOR

1-2-35 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; § 3-5-1)

1-2-36 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 "Acting Mayor" who shall perform the duties and 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; ¶ 3-4-6)

1-2-37 SUPERVISORY POWERS. The Mayor shall be the chief executive officer of the Village, shall preside over the meetings of the Board, and shall perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and employees of the Village and shall have the power and authority to inspect all books and records pertaining to Village affairs and kept by any officer or employee of the Village at any reasonable time. (Ill. Rev. Stat., Ch. 24; §§ 3-11-6 and 3-11-3)

1-2-38 APPOINTMENT OF OFFICERS. 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; §§ 3-7-2, 3-13-10 and 3-14-2)

1-2-39 REMOVAL OF OFFICERS. The Mayor shall have the power to remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the Village demand such removal. He shall report the reasons for such removal to the Board at a meeting to be held 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 Clerk a statement of the reasons for such removal, or if the Board, by a two-thirds (2/3) vote of all its members authorized by law to be elected by yeas and nays to

Revised Code

be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was removed, but he 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; §§ 3-11-1 and 3-12-2)

1-2-40 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.

1-2-41 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, and if he cannot, the 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.

1-2-42 SIGNATURE. The Mayor shall sign all Village warrants, commissions, permits and licenses granted by authority of the Board, except as otherwise provided and such other acts and deeds as law or ordinance may require his official signature.

1-2-43 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.

1-2-44 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; §§ 3-11-4 and 3-11-6)

1-2-45 RELEASE OF PRISONERS. The Mayor may release any person imprisoned for violation of any Village ordinance and shall report the release with reasons therefor to the Trustees at their first meeting thereafter. (Ill. Rev. Stat., Ch. 24; § 3-11-2)

1-2-46 BUSINESS LICENSE COMMISSIONER. The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law.

Revised Code

1-2-47 LIQUOR COMMISSIONER. The Mayor is hereby designated as 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; § 111)

1-2-48 HEALTH COMMISSIONER. The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the Village authority as prescribed by law.

1-2-49 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: (1) where the vote of the Trustees has resulted in a tie; or (2) where one-half of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie; or (3) where a vote greater than a majority of the corporate authorities is required by the Illinois Revised 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. (Ill. Rev. Stat., Ch. 24; §§ 3-11-14 and 3-11-17)

1-2-50 - 1-2-51 RESERVED.

DIVISION VI - VILLAGE CLERK

1-2-52 REPEALED. See Ordinance No. 1993-01, effective January 6, 1993, entitled "An Ordinance Repealing Section 1-2-52 of the Revised Code of Ordinances of the Village of Germantown, Clinton County, Illinois".

NOTE: See Resolution No. 1993-01, approved January 6, 1993, requiring the position of Village Clerk be filled by appointment by the Village President.

1-2-53 BOARD 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. 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, he shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance. He 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. (Ill.Rev.Stat., Ch 24; Sec. 3-10-7)

1-2-54 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. (Ill.Rev.Stat., Ch. 24; Sec. 3-10-8)

1-2-55 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.

1-2-56 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.

1-2-57 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 from the Clerk, plates, tags or stickers, it

shall be the duty of the Clerk to deliver such plates, tags or stickers to the person paying the license fee.

1-2-58 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)

1-2-59 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 cancelled, the book or books shall show the 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)

1-2-60 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.

1-2-61 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.

1-2-62 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.

1-2-63 WARRANT REGISTER. The Clerk shall keep an accurate register of warrants drawn upon the Treasury, specifying the date, to whom payable, the amount, and the particular fund or appropriation to which the same is chargeable. (Ill.Rev.Stat., Ch. 24; Sec. 8-1-8)

1-2-64 RESERVED.

Revised Code

1-2-65 Repealed; see Ordinance No. 97-01, enacted 2/5/97.

1-2-66 NOTIFICATION TO PERSONS ELECTED OR APPOINTED. The Clerk, within 5 days after the result of an election is declared or an appointment is made, shall notify all persons elected or appointed to office of their election or appointment. The office becomes vacant unless the person elected or appointed qualifies within 10 days after such notice. (Ill. Rev. Stat., Ch. 24; § 3-2-6)

1-2-67 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.

1-2-68 - 1-2-70 RESERVED.

Revised Code

DIVISION VII - VILLAGE TREASURER

1-2-71 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 and the Village Treasurer.

1-2-72 FINANCE SUPERVISION. The Village Board shall exercise a general supervision over the affairs of the Finance Department. The Village Board shall ascertain the condition and needs thereof and in such a manner that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Finance Department.

1-2-73 APPOINTED. The Treasurer shall be appointed for a one year term with the advice and consent of the Village Board. He shall serve until his successor is appointed and has qualified.

1-2-74 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 monthly an itemized list of all moneys received and shall deliver a copy of the same to the Village Board and shall also pay over to the Village Treasury, all moneys received by him and take a receipt therefor.
(Ill. Rev. Stat., Ch. 24; §§ 3-10-2 and 8-1-8)

1-2-75 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; § 8-1-8 and 8-1-9)

1-2-76 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

Revised Code

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; § 3-10-4)

1-2-77 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 be not less than 10% of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding 5 fiscal years, nor less than one and one-half times the largest amount which the Board estimates will be in his custody at any one time, nor less than three 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.

1-2-78 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.

1-2-79 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 Village Board.

1-2-80 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; § 3-10-15)

1-2-81 YEAR-END REPORT. The Treasurer shall, annually, at the close of the fiscal year, make out and file with the Village Clerk a full and detailed report of all the receipts and expenditures of the corporation as shown by his books and of his transactions as such Treasurer, during the preceding fiscal year, and he shall show in such report the state of the Village Treasury at the close of the year, which report the Village Clerk shall publish as required by law. (Ill. Rev. Stat., Ch. 24; §§ 3-10-2 through 3-10-6)

1-2-82 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 1-2-83. 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 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 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 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 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.

1-2-83 INVESTMENTS.

(A) The Village Treasurer is hereby authorized to invest surplus funds or reserve funds of the Village in the following types of investments: General Obligation Securities of the United States of America or of the State of Illinois, Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company, Short term discount obligations of the Federal National Mortgage Association, Money Market Accounts, State Investment Pool.

(B) The following banks are herewith designated as places of deposit where the Village Treasurer is required to keep all funds and moneys in his custody belonging to this Village:

- (1) Germantown Trust and Savings Bank, Germantown
- (2) Bartelso Savings Bank, Bartelso, Illinois
- (3) State Bank of Breese, Breese, Illinois
- (4) State Bank of Aviston, Aviston, Illinois
- (5) People's Bank of Albers, Albers, Illinois

(C) Prudence. Investments shall be made with judgement 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.

(D) Objective. The primary objective, in order of priority, shall be:

- Legality -conformance with federal, state and other legal requirements
- Safety -preservation of capital and protection of investment principal
- Liquidity -maintenance of sufficient liquidity to meet operating requirements
- Yield -attainment of market rates of return

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

(E) Delegation of Authority. Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who, under the delegation of the Board of Trustees, shall establish procedures for the operation of the investment program.

(F) 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.

(G) 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.

(H) Safekeeping and Custody. All security transactions, including collateral for repurchase agreements, entered into by the (entity) , shall be conducted on a delivery-versus-payment (DVP) basis.

(I) Diversification. The entity 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.

(J) Maximum Maturities. To the extent possible, the Village of Germantown 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 10 years from the date of purchase. Reserve funds may be invested in securities exceeding 10 years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

(K) Internal Control. The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the entity are

Revised Code

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:

- Control of collusion
- Separation of transaction authority from accounting
- Custodial safekeeping
- Written confirmation of telephone transactions for investments and wire transfers

(L) 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. The Village will use a 90-day T-bill as their benchmark.

(M) Reporting. The Treasurer shall prepare an investment report at least quarterly. The report should be provided to the Board of Trustees and available on request. The report should be in a format suitable for review by the general public.

(N) Marking to Market. A statement of the market value of the portfolio shall be issued to the Board of Trustees quarterly.

1-2-84 - 1-2-86

RESERVED.

Revised Code

DIVISION VIII - JUDICIARY

1-2-87 APPOINTMENT OF ATTORNEY. The Attorney shall be appointed by the Mayor, by and with the approval of the Village Board for the term of one year, unless sooner removed for cause, and until his successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the Village and shall be known as the Village Attorney of this Village and shall receive an annual salary as determined by the appropriation ordinance, compensation for office services and advice. He 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 for the best interests of the Village. (Ill. Rev. Stat., Ch. 24; Sec. 3-7-3)

1-2-88 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) 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.

(C) 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 therefor.

(D) 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, Village Board or any committee thereof.

(E) 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. (Ill. Rev. Stat., Ch. 24; Sec. 3-7-3)

(F) 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 inter-

ested and to attend all sales of real or personal property made to enforce the collection on such taxes or special assessments and to bid thereat in behalf of the Village.

1-2-89 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 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 \$25.00, 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 of the Village.

1-2-90 - 1-2-91 RESERVED.

DIVISION IX - BUDGET OFFICER

1-2-95 ESTABLISHED. There is established the budget procedures as described in Sections 8-2-9.1 through 8-2-9.10 of the Municipal Code of the State of Illinois. There is also Illinois Municipal Code Section 8-2-9.1. (65 ILCS 5/8-2-9.1 through 5/8-2-9.10).

1-2-96 APPOINTED. The Budget Officer shall be appointed by the Mayor with the approval of the corporate authorities.

1-2-97 POWERS AND DUTIES.

(A) The Budget Officer shall permit, encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all municipal department, commissions, and boards.

(B) The Budget Officer shall compile a budget to contain estimates and revenues available to the Municipality for the fiscal year for which the budget is drafted, together with recommended expenditures for the Municipality and all of the Municipality's department, commissions and boards in accordance with 65 ILCS 5/8-2-9.3

(C) The Budget Officer shall examine all books and records of all municipal departments, commissions, and boards which relate to monies received by, and paid out by the Municipality, municipal departments, commissions and boards, debts and account receivable, amounts owed by or to the Municipality, municipal departments, commissions, and boards.

(D) The Budget Officer shall obtain such additional information from the Municipality, municipal departments, commissions, and boards as may be useful to the Budget Officer for purposes of compiling a municipal budget, such information to be furnished by the Municipality, municipal departments, commissions, and boards in a form required by the Budget Officer. Any

department, commission or board which refuses to make such information as is requested of it available to the Budget Officer shall not be permitted to make any expenditures under any subsequent budget for the municipality until such municipal department, commission, or board shall comply in full with the request of the Budget Officer.

(E) The Budget Officer shall establish and maintain such procedures as shall insure that no expenditures are made by the Municipality, municipal department, commission, and board except as authorized by the budget.

DIVISION X - STATE GIFT BAN ACT

1-2-100 ADOPTION OF ACT. The State Gift Ban Act (5 ILCS 425 et seq.) is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83). The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the Village.

1-2-101 ETHICS OFFICER. To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the Village President is hereby appointed to serve as the "ethics officer" of the Village. If the Village President is unable or unwilling to act, then upon advice and consent of the Board of Trustees, the President shall appoint someone to act as the "ethics officer." The ethics officer's duties shall be as provided in Section 35.

1-2-102 COMPLAINTS. All complaints for violations of the Act and this Division shall be filed with the ethics commission in accordance with Section 45(a)(6) of the Act.

1-2-103 FUTURE AMENDMENTS TO STATE GIFT BAN ACT. Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Division shall be incorporated into this Division by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by villages shall not be incorporated into this Division by reference without formal action by the corporate authorities of the Village.

1-2-104 FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT. If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Division shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The Division 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.

Revised Code

If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) 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 Division shall remain in full force and effect; however, that part of this Division relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

DIVISION XI – ETHICS POLICY

1-2-110 **ETHICS REGULATIONS.** 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 policy) are hereby adopted by reference and made applicable to the officers and employees of the Village of Germantown to the extent required by 5 ILCS 430/70-5.

1-2-111 **ACCEPTING GIFTS.** The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village of Germantown, is hereby prohibited.

1-2-112 **OFFERING GIFTS.** The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village of Germantown under the Act, is hereby prohibited.

1-2-113 **POLITICAL ACTIVITIES.** The participation in political activities prohibited under the Act, by any officer or employee of the Village of Germantown, is hereby prohibited.

1-2-114 **DEFINITIONS.** For purposes of this policy, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).

1-2-115 **PENALTIES.** The penalties for violations of this policy shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

1-2-116 **REPEALER.** This policy does not repeal or otherwise amend or modify any existing ordinances or policies that regulate the conduct of the Village of Germantown officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this policy, however, the provisions of this policy shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

1-2-117 **FUTURE AMENDMENTS.** Any amendment to the Act that becomes effective after the effective day of this policy shall be incorporated into this policy 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 villages shall not be incorporated into this policy by

Revised Code

reference without formal action by the municipal authorities of the Village of Germantown.

1-2-118 DECLARATION OF UNCONSTITUTIONALITY. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this policy 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 policy shall be deemed repealed without further action by the municipal authorities of the Village of Germantown if the Act is found unconstitutional by the Illinois Supreme Court.

1-2-119 PARTIAL DECLARATION OF UNCONSTITUTIONALITY. 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 policy shall remain in full force and effect; however, that part of this policy relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the municipal officials of the Village of Germantown.

ARTICLE III - SALARIES

1-3-1 SALARIES OF VILLAGE OFFICIALS.

(A) President. The President shall receive as compensation the sum of **\$2,500.00** per year.

(B) Village Clerk. The salary of the Village Clerk shall be negotiated by and between the Village Clerk and the Village Board at the beginning of the Clerk's term of office or as soon thereafter as is practical.

(C) Village Treasurer. The salary of the Village Treasurer shall be negotiated by and between the Village Treasurer and the Village Board at the beginning of the Village Treasurer's term of office or as soon thereafter as is practical.

(D) Trustees. The members of the Village Board of Trustees shall receive as compensation, the sum of **\$125.00** for every regular or special meeting actually attended and **\$50.00** for each committee meeting actually attended.

(E) There shall be no cap on the amount of compensation actually earned by and payable to any of the Trustees in any given month. In no event, however, shall a claim for compensation be paid for attendance at a regular, special, or committee meeting when said meeting was not necessary for the good of the Village or properly convened. The President shall, in all cases, have the final authority over whether said regular, special or committee meeting was necessary or properly convened.