

CHAPTER 31: VILLAGE OFFICIALS

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GENERAL PROVISIONS

§ 31.01 QUALIFICATIONS.

(A) A person is not eligible for an elective village office unless that person is a qualified elector of the village and has resided in the village at least one year preceding the election. A person is not eligible for an elective village office if that person is in arrears in the payment of a tax or other indebtedness due to the village or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony. (ILCS Ch. 65, Act 5, § 3.1-10-5(a and b))

(B) No person shall be eligible for any appointive village office unless that person is a qualified elector of the village or otherwise provided by law. The residency requirements do not apply, however, to village engineers, health officers, attorneys, or other officers who require technical training or knowledge, to an appointed village treasurer, or to an appointed village collector (unless the village has designated by ordinance that the village clerk shall hold the office of collector). The village may adopt ordinances that allow their firefighters and police officers to reside outside the corporate limits of the village both at the time of employment and while serving as a firefighters or police officer. (ILCS Ch. 65, Act 5, § 3.1-10-6)

Statutory reference:

Appointment of President or Trustees to other offices prohibited, see ILCS Ch. 50, Act 105, § 2

§ 31.02 OATH; BOND.

(A) Before entering upon the duties of their respective offices, all village officers, whether elected or appointed, shall take and subscribe 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.

(B) This oath, so subscribed, shall be filed in the office of the Clerk.

(C) Before entering upon the duties of their respective offices, all village officers, except Trustees, shall execute a bond with security, to be approved by the Board of Trustees. The bond shall be payable to the village in the penal sums set forth in Title XVII of this code, conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and also the ordinances of the village. Such bond may provide that the obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any bank or savings and loan association organized and operating either under the laws of the state or the United States wherein such officer has placed funds in his custody, if the bank or savings and loan association has been approved by the Board of Trustees as a depository for these funds. The Treasurer's bond shall be an amount of money that is not less than three times the latest federal census population or any subsequent census figure used

for Motor Fuel Tax purposes. These bonds shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the Treasurer. (ILCS Ch. 65, Act 5, § 3.1-10-25, 3.1-10-30)

§ 31.03 FURTHER DUTIES.

Every officer shall perform such duties, in addition to those which may be prescribed by law, and be subject to such other rules and regulations, as the Board of Trustees may provide by ordinance. (ILCS Ch. 65, Act 5, § 3.1-10-40)

§ 31.04 COMPENSATION.

(A) All village officers, except as otherwise provided, shall receive the salary or other compensation that is fixed by ordinance. Salaries or other compensation shall not be increased or diminished, so as to take effect during the term of any elected village officer. The salaries, fees, or other compensation of any appointed village officer, not including those appointed to fill vacancies in elective offices, may be increased but not diminished so as to take effect during the term for which the officer was appointed. (ILCS Ch. 65, Act 5, § 3.1-50-5)

(B) The Board of Trustees may fix the salary of all village officers and employees, in the annual appropriation ordinance or budget ordinance. They may fix the salary of all officers who are elected for a definite term in an ordinance other than the appropriation or budget ordinance. Salaries which are fixed in the annual appropriation ordinance shall neither be increased nor diminished during the fiscal year for which the appropriation is made. Salaries which are fixed by ordinance for those officers who are elected for a definite term shall neither be increased nor diminished during that term, and shall be fixed 180 days before the beginning of the terms of the officers whose compensation is to be fixed. (ILCS Ch. 65, Act 5, § 3.1-50-10)

Cross-reference:

Compensation of President, see § 31.22

Compensation of Trustees, see § 32.04

§ 31.05 REMOVAL FROM OFFICE.

Except where otherwise provided by statute, the President may remove any officer appointed by him under ILCS Ch. 65, Act 5 and this chapter, on any written charge, whenever he is of the opinion that the interests of the village demand removal, but he shall report the reasons for the removal to the Board of Trustees at a meeting to be held not less than five nor more than ten days after the removal. If the President fails or refuses to report to the Board of Trustees the reasons for the removal, or if the Board of Trustees by a two-thirds vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which he was removed. The vote shall be by yeas and nays, which shall be entered upon the Board's journal. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (ILCS Ch. 65, Act 5, § 3.1-35-10)

§ 31.06 RESIGNATION.

Any appointed officer of the village may resign from his or her office. If an appointed officer resigns he or she shall continue in office until a successor has been chosen and has qualified. (ILCS Ch. 65, Act 5, § 3.1-30-5(d))

PRESIDENT

§ 31.20 ELECTION; TERM; VACANCY.

(A) As set forth in ILCS Ch. 65, Act 5, § 3.1-15-5, the President shall be elected by the electors of the village at a general village election held therein.

(B) As set forth in ILCS Ch. 65, Act 5, § 3.1-15-10, the President shall hold his/her office for a term of four years and until his/her successor is elected and has qualified. The four-year term for President may be changed to two years pursuant to ILCS Ch. 65, Act 5, § 3.1-10-65.

(C) Whenever a vacancy in the office of President occurs during his/her term, the vacancy shall be filled for the remainder of the term in the manner provided in ILCS Ch. 65, Act 5, §§ 3.1-10-50 and 3.1-10-55. During the period from the time that the vacancy occurs until a President is elected, and has qualified, the vacancy may be filled by the appointment of an Acting President by the Board of Trustees.

§ 31.21 POWERS AND DUTIES.

(A) As set forth in ILCS Ch. 65, Act 5, § 3.1-45-5, the President of the village shall be President of the Board of Trustees thereof and shall preside at all meetings of the Board. He/she shall devote to the duties of his/her office whatever time the faithful discharge thereof may require.

(B) The President shall perform all the duties which are prescribed by law, including the Municipal Code and village ordinances, and shall take care that the laws and ordinances are faithfully executed. The President from time to time may, and annually shall, give the Board of Trustees information relative to the affairs of the village, and may recommend for their consideration measures as he/she believes expedient. (ILCS Ch. 65, Act 5, § 3.1-35-5)

(C) The President shall have the power to administer oaths and affirmations upon all lawful occasions. (ILCS Ch. 65, Act 5, § 3.1-15-20)

(D) The President at all times may examine and inspect the books, records, and papers of any agent, employee, or officer of the village. (ILCS Ch. 65, Act 5, § 3.1-35-20)

(E) The President may designate in writing another person to affix the signature of the President to any written instrument or instruments required to be signed by the President. The President shall send written notice of this designation to the Board of Trustees, stating the name of the person whom he/she has selected and what instrument or instruments the person will have authority to sign. A written signature of the President executed by the person so designated, with the signature of the person so designated underneath, shall be attached to the notice. The notice, with the signatures attached, shall be recorded in the journal of the Board and then filed with the Village Clerk. When the signature of the President is placed on a written instrument at the direction of the President in the specified manner, the instrument or instruments, in all respects, shall be as binding on the village as if signed by the President in person. (ILCS Ch. 65, Act 5, § 3.1-35-30)

(F) If the President is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the Board of Trustees shall elect one of their members to act as President Pro Tem. The President Pro Tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the President but shall not be entitled to vote both as President Pro Tem and as Trustee. In the absence of the President, Acting President, and President Pro Tem, the Board of Trustees may elect one of their members to act as temporary chairperson. The temporary chairperson shall have only the powers of a presiding officer and a right to vote only in the capacity as Trustee on any ordinance, resolution or motion. (ILCS Ch. 65, Act 5, § 3.1-35-35).

Statutory reference:

Duties as conservator of the peace, see ILCS Ch. 65, Act 5, § 3.1-15-25

§ 31.22 COMPENSATION.

The President shall receive the compensation that is established by the Board of Trustees in the annual appropriation or budget ordinance or by special ordinance. An increase or decrease in the salary of the President shall not take effect during the term for which that President is elected. His/her salary shall be fixed 180 days before the beginning of the term for which compensation is to be fixed. (ILCS Ch. 65, Act 5, § 3.1-50-10)

CLERK

§ 31.35 ELECTION; TERM; VACANCY.

At every other election for Trustees, a Clerk shall also be elected who shall hold office for a four-year term. Whenever a vacancy in the office of a Clerk elected under this section occurs during the term, the vacancy shall be filled for the remainder of the term at the next general village election occurs until a Clerk is elected, as provided in this section, and has qualified, the vacancy may be filled by the appointment of an Acting Clerk by the President with the advice and consent of the Board of Trustees. (ILCS Ch. 65, Act 5, § 3.1-25-90)

§ 31.36 DUTIES.

(A) The Clerk shall keep the corporate seal, to be provided by the Board of Trustees, and all papers belonging to the village the custody and control of which are not given to other officers. The Clerk shall attend all meetings of the Board of Trustees, and keep a full record of its proceedings in the journal. The record of those proceedings shall be made available for public inspection within ten days after being approved or accepted by the Board of Trustees as the official minutes of their proceedings. Copies of all papers duly filed in the Clerk's office, and transcripts from the journals and other records and files of the Clerk's office, certified by the Clerk under the corporate seal, shall be evidence in all courts in the same manner as if the originals were produced. (ILCS Ch. 65, Act 5, § 3.1-35-90)

(B) The Clerk shall perform such duties, in addition to those which may be prescribed by law, and be subject to such other rules and regulations, as the Board of Trustees may provide by ordinance. (ILCS Ch. 65, Act 5, § 3.1-10-40)

(C) The Clerk shall appoint the various clerks and subordinates in his/her office which the Board of Trustees may authorize, and shall be held responsible, severally, for the fidelity of all persons so appointed by him/her. This power, however, is subject to the provisions of ILCS Ch. 65, Act 5, §§ 10-1-1 et seq. The power of the Clerk is also subject to the provisions of ILCS Ch. 65, Act 5, § 3.1-30-10. (ILCS Ch. 65, Act 5, § 3.1-10-45)

(D) The Clerk shall have power to administer oaths and affirmations upon all lawful occasions. (ILCS Ch. 65, Act 5, § 3.1-15-20) Statutory reference: Clerk authorized to hold office of Comptroller or of Collector, see ILCS Ch. 65, Act 5, §§ 3.1-35-115, 3.1-35-130, and 3.1-35-135

§ 31.37 COMPENSATION.

The Clerk shall receive the compensation that is established by the Board of Trustees in the annual appropriation or budge ordinance or by special ordinance. An increase or decrease in the salary of the Clerk shall not take effect during the term for which that Clerk is elected. His/her salary shall be fixed 180 days before the beginning of the term for which compensation is to be fixed. (ILCS Ch. 65, Act 5, § 3.1-50-10)

TREASURER

§ 31.40 APPOINTMENT; TERM; VACANCY.

(A) The President, by and with the advice and consent of the Board of Trustees, shall appoint a Village Treasurer. (ILCS Ch. 65, Act 5, § 3.1-30-5)

(B) The Treasurer may resign from his/her office. If the Treasurer resigns, he/she shall continue in office until his/her successor has been chosen and has qualified. (ILCS Ch. 65, Act 5, § 3.1-10-50(a) and (d))

(C) The term of office of the Treasurer shall not exceed that of the President.

§ 31.41 DUTIES.

(A) (1) The Treasurer shall receive all money belonging to the village and shall keep his/her books and accounts in the manner prescribed by ordinance. These books and accounts shall always be subject to the inspection of any member of the Board of Trustees, provided, however, that the village may by ordinance designate a person or institution which, as bond trustee, shall receive from the County Collector amounts payable to the village as taxes levied pursuant to a bond issuance.

(2) The Treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto.

(3) The Treasurer shall give every person paying money into the treasury a receipt, specifying the date of payment and upon what account paid. The Treasurer shall file copies of these receipts with the Clerk, with the Treasurer's monthly reports. If the Treasurer has in his/her possession money properly appropriated to the payment of any warrant lawfully drawn upon him, the Treasurer shall pay the money specified in this warrant to the person designated by the warrant. (ILCS Ch. 65, Act 5, § 3.1-35-40)

(B) At the end of every month, and more often if required by the Board of Trustees, the Treasurer shall render an account under oath to the Board of Trustees, or to an officer designated by ordinance, showing the state of the treasury at the date of the account and the balance of money in the treasury. The Treasurer shall accompany the account with a statement of all money received into the treasury and on what account, together with all warrants redeemed and paid by him. On the day he/she renders an account, these warrants, with all vouchers held by him/her, shall be delivered to the Clerk and filed, together with the account, in the Clerk's office. All paid warrants shall be marked "paid." The Treasurer shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid. (ILCS Ch. 65, Act 5, § 3.1-35-45)

(C) (1) The Treasurer shall be required to keep all funds and money in his/her custody belonging to the village in such places of deposit designated by ordinance. When requested by the Treasurer, the Board of Trustees shall designate one or more banks or savings and loan associations in which may be kept the funds and money of the village in the custody of the Treasurer. When a bank or savings and loan association has been designated as a depository, it shall continue as a depository until ten days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this section. When a new depository is designated, the Board of Trustees shall notify the sureties of the Treasurer of that fact in writing at least five days before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money which he/she deposits in a designated bank or savings and loan association while the funds and money are so deposited.

(2) The Treasurer may require any bank or savings and loan association to deposit with the Treasurer securities or mortgages which have a market value at least equal to the amount of the funds or moneys of the village deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(3) The Treasurer, with Board approval, is authorized to enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of village funds.

(4) (a) The Treasurer, with Board approval, may join with any other official custodian of municipal funds, including without limitation a municipal treasurer or finance director, or any person properly designated as the official custodian for municipal funds, including without limitation each person properly designated as official custodian for funds held by an intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity composed solely of participating municipalities, is permitted to:

1. Combine moneys from more than one fund of a single municipality, risk management entity, self-insurance pool, or other intergovernmental entity composed solely of participating municipalities for the purpose of investing such moneys;

2. Join with any other official custodians or treasurers of municipal, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity composed solely of participating municipalities for the purpose of jointly investing the funds of which the official custodians or treasurers have custody; and

3. Enter into agreements of any definite or indefinite term regarding the redeposit, investment, or withdrawal of municipal, risk management entity, self-insurance agency, waste management agency, or other intergovernmental entity funds.

(b) When funds are combined for investment purposes as authorized in this division, moneys combined for those purposes shall be accounted for separately in all respects, and the earnings from such investment shall be separately and individually computed, recorded, and credited to the fund, municipality, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity, as the case may be, for which the investment was acquired.

(c) Joint investments shall be made only in investments authorized by law for investment of municipal funds. The grant of authority contained in this division is cumulative, supplemental, and in addition to all other power or authority granted by any other law and shall not be construed as a limitation of any power and authority otherwise granted.

(5) No bank or savings and loan association shall receive public funds as permitted by this section unless it has complied with the requirements established by ILCS Ch. 30, Act 235, § 6. (ILCS Ch. 65, Act 5, § 3.1-35-50)

(D) The Treasurer shall keep all money belonging to the village and in his/her custody separate and distinct from his/her own money and shall not use, either directly or indirectly, the village's money or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject him/her to immediate removal from office by the Board of Trustees, who may declare the Treasurer's office vacant. (ILCS Ch. 65, Act 5, § 3.1-35-55)

(E) (1) The Treasurer shall report to the Board of Trustees, as often as they require, a full and detailed account of all receipts and expenditures of the village, as shown by his/her books, up to the time of the report. (ILCS Ch. 65, Act 5, § 3.1-35-60)

(2) Any Treasurer who fails, neglects, or refuses to discharge any duty imposed on him/her, or who violates any provisions of ILCS Ch. 65, Act 5, §§ 3.1-35-65 through 3.1-35-80, is guilty of a petty offense, and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100 in addition to any other penalties prescribed by law (ILCS Ch. 65, Act 5, § 3.1-35-80)

(F) All money received on any special assessment shall be held by the Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and the money shall be used for no other purpose, except to reimburse the village for money expended for such improvement. (ILCS Ch. 65, Act 5, § 3.1-35-85)

(G) (1) The Treasurer may deposit funds in a savings and loan association or state or national bank in this state. When deposits become collected funds and are not needed for immediate disbursement, they shall be invested within two working days at prevailing rates or

better. The Treasurer may require the bank or savings and loan association to deposit with him/her securities guaranteed by agencies and instrumentalities of the federal government equal in market value to the amount by which the funds deposited exceed the federally insured amount. The Treasurer is authorized to enter into an agreement with any bank or savings and loan association relating to the deposit of securities.

(2) The Treasurer shall be discharged from responsibility for any funds for which securities are so deposited with him/her, and the funds for which securities are so deposited shall not be subject to any otherwise applicable limitation as to amount.

(3) No bank or savings and loan association shall receive public funds as permitted by this section, unless it has complied with the requirements established pursuant to ILCS Ch. 30, Act 235, § 6.
(ILCS Ch. 30, Act 225, § 1)

OTHER OFFICIALS

§ 31.50 APPOINTMENT OF OTHER VILLAGE OFFICIALS.

The President, with the advice and consent of the Board of Trustees, shall appoint such other officers and commissioners as are set forth in Title XVII of this code.
(ILCS Ch. 65, Act 5, § 3.1-30-5)

§ 31.51 DUTIES AND FEES; BOND.

The President and Board of Trustees may prescribe the duties of the officers appointed pursuant to § 31.50 and the amount to be charged for services rendered by those officers, and may require them to execute whatever bonds are prescribed by statute or ordinance.
(ILCS Ch. 65, Act 5, § 3.1-45-10)

§ 31.52 CERTIFICATE OF APPOINTMENT.

Whenever a person has been appointed or elected to office, the President shall issue a certificate of appointment or election, under the corporate seal, to the Clerk. All officers elected or appointed under ILCS Ch. 65, Act 5 and this chapter, except the Clerk, Trustees, and President, shall be commissioned by warrant, under the corporate seal, signed by the Clerk and the presiding officer of the Board of Trustees.
(ILCS Ch. 65, Act 5, § 3.1-55-5)

§ 31.53 DUTY TO SUCCESSOR.

Within five days after written notification and request, a person who has been an officer of the village shall deliver to the successor in office all property, books, and effects in the former officer's possession, belonging to the village. A former officer who violates this section is liable for all the damages caused by the violation and is subject to the penalty prescribed by ordinance.
(ILCS Ch. 65, Act 5, § 3.1-10-35)