

CHAPTER 32: BOARD OF TRUSTEES

Section

General Provisions

- 32.01 Composition
- 32.02 Trustees; election, term, and vacancies
- 32.03 Powers and duties
- 32.04 Compensation

Rules of Procedure

- 32.20 Proceedings before Board of Trustees
- 32.21 Presiding officer
- 32.22 Meetings
- 32.23 Quorum
- 32.24 Deferral of committee reports

Ordinances

- 32.40 Ordinances and rules to execute powers
- 32.41 Ordaining clause
- 32.42 Vote required; method of voting
- 32.43 Approval and disapproval by President
- 32.44 Reconsideration
- 32.45 Publication requirements; effective date
- 32.46 Recordation
- 32.47 Revision
- 32.48 Adoption of codes and public records by reference

Standing Committees

- 32.60 Authority to establish
- 32.61 Members

GENERAL PROVISIONS

§ 32.01 COMPOSITION.

The Board of Trustees shall consist of the President and Trustees. (ILCS Ch. 65, Act 5, § 3.1-45-5)

§ 32.02 TRUSTEES; ELECTION, TERM, AND VACANCIES.

(A) Except as provided in ILCS Ch. 65, Act 5, § 3.1-25-10, the electors of the village shall elect six Trustees. The term of office of the Trustees shall be four years and until their successors are elected and have qualified. Three Trustees shall be elected at the village election in each odd numbered year for a term of four years. (ILCS Ch. 65, Act 5, § 3.1-25-5)

(B) Whenever a vacancy in the office of a Trustee occurs during his/her term, the vacancy shall be filled for the remainder of the term at the next general village election as provided in ILCS Ch. 65, Act 5, § 3.1-10-50.

Statutory reference:

Elections and primary elections to be conducted pursuant to state law, see Illinois Election Code, ILCS Ch. 10, Act 5, §§ 1-1 et seq.

Cross-reference:

Oath requirement, see § 31.02 (A) and (B)
Qualifications for officers, see § 31.01

§ 32.03 POWERS AND DUTIES.

(A) The Board of Trustees shall have the powers and shall perform the same duties as the city council in cities. It shall pass ordinances, resolutions, and motions in the same manner as a city council. The President of the Board of Trustees may exercise the same veto power and powers in ILCS Ch. 65, Act 5, § 3.1-40-30, and with like effect, as the Mayor of a city. The Trustees may pass motions, resolutions, and ordinances over the President's veto in like manner as the aldermen of a city council. (ILCS Ch. 65, Act 5, § 3.1-45-5)

(B) The Board of Trustees shall consist of the President and six Trustees. It shall meet in accordance with the state Open Meetings Act, ILCS Ch. 5, Act 120, §§ 1 et seq. It shall keep a journal of its own proceedings. (ILCS Ch. 65, Act 5, § 3.1-40-5)

(C) The Board shall be the sole judge of the election to office of the Trustees. It shall also be the sole judge of whether, under ILCS Ch. 65, Act 5, § 3.1-10-5, Trustees are eligible to their offices. A court, however, shall not be prohibited from hearing and determining a proceeding in *quo warranto*. (ILCS Ch. 65, Act 5, § 3.1-40-10)

(D) The Board shall determine its own rules of proceeding and punish its members for disorderly conduct. With the concurrence of two-thirds of the Trustees then holding office, it may expel a Trustee from a meeting, but not a second time for the same incident. (ILCS Ch. 65, Act 5, § 3.1-40-15)

(E) The Board may prescribe, by ordinance, the times and places of the Board meetings, and the manner in which special Board meetings may be called. The President or any three Trustees may call special meetings of the Board. In addition to any notice requirement prescribed by the Board, public notice of meetings must be given as prescribed in ILCS Ch. 5, Act 120, §§ 2.02 and 2.03 of the Open Meeting Act. (ILCS Ch. 65, Act 5, § 3.1-40-25)

(F) In the absence of the President, acting President, or President Pro Tem, the Board may elect a Trustee to act as a temporary chairman. He/she shall have only the powers of a presiding officer and a right to vote in his capacity as Trustee on any ordinance, resolution, or motion. (ILCS Ch. 65, Act 5, § 3.1-35-35(b))

§ 32.04 COMPENSATION.

(A) Each trustee shall receive the compensation that is fixed by ordinance. Compensation shall be fixed 180 days before the beginning of the term for which compensation is to be fixed.

(B) Such ordinance shall specify whether Trustees are to be compensated at an annual rate or for each meeting of the Board of Trustees actually attended by each Trustee.

(C) Each Trustee may receive reimbursement from the village for expenses incurred by the member in attending committee meetings of the Board of Trustees or for other expenses incurred by the Trustee in the course of performing official duties.
(ILCS Ch. 65, Act 5, §§ 3.1-50-5, 3.1-50-10, 3.1-50-15)

RULES OF PROCEDURE

§ 32.20 PROCEEDINGS BEFORE BOARD OF TRUSTEES.

(A) *Rules of Order.* The current edition of Robert's Rules of Order shall govern the proceedings of the Board of Trustees where applicable and when not in conflict with statutes or ordinances; provided, however, that the Board may adopt rules of order revising, repealing, amending, supplementing or supplanting, in whole or in part, Robert's Rules of Order. Each new Board, upon inauguration of the village officers newly elected at any consolidated election, shall have the right by a majority vote of the Board of Trustees to repeal, amend, or replace any rules of order adopted by a previous Board.

(B) *Addressing meetings.* It shall be unlawful for any person to address or attempt to address any regular or special meeting of the Board except upon the consent of the President or with the consent of a majority of the members present.

(C) *Disturbing meetings.* It shall be unlawful to disturb or interrupt any regular or special meeting of the Board. Any person violating any provision of this division (C) shall be fined as provided for in § 10.99, and may be summarily ejected from the meeting and the Village Hall.

§ 32.21 PRESIDING OFFICER.

The President shall preside at all meetings of the Board of Trustees. Except as provided in ILCS Ch. 65, Act 5, §§ 4-1-1 et seq. and 5-1-1 et seq., he/she shall not vote on any ordinance, resolution, or motion except where the vote of the Board of Trustees has resulted in a tie; or where one half of the Board of Trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or where a vote greater than a majority of the Board of Trustees is required to adopt an ordinance, resolution, or motion. In each instance specified, the President shall vote. Nothing in this section shall deprive an Acting President or President Pro Tem from voting in his/her capacity as Trustee, but he/she shall not be entitled to another vote in his/her capacity as Acting President or President Pro Tem. (ILCS Ch. 65, Act 5, § 3.1-40-30)

§ 32.22 MEETINGS.

The Board of Trustees shall hold its regular meetings as set forth in Title XVII. The President or any three Trustees may call special meetings of the Board of Trustees. In addition to any notice requirement prescribed by the Board of Trustees, public notice of meetings must be given as prescribed in ILCS Ch. 5, Act 120, §§ 2.02 and 2.03 of the Open Meetings Act. (ILCS Ch. 65, Act 5, § 3.1-40-25)

§ 32.23 QUORUM.

A majority of the Board of Trustees shall constitute a quorum to do business. A smaller number, however, may adjourn from time to time and may compel the attendance of absentees, under penalties (including a fine for a failure to attend) as set forth in Title XVII of this code. (ILCS Ch. 65, Act 5, § 3.1-40-20)

§ 32.24 DEFERRAL OF COMMITTEE REPORTS.

Upon the request of any two Trustees present, any report of a committee of the Board shall be deferred, for final action thereon, to the next regular meeting of the Board after the report is made. (ILCS Ch. 65, Act 5, § 3.1-40-35)

32.40 ORDINANCES AND RULES TO EXECUTE POWERS.

The Board of Trustees may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to village, with fines or penalties as may be deemed proper, provided that no fine or penalty shall exceed \$750. (ILCS Ch. 65, Act 5, § 1-2-1)

§ 32.41 ORDAINING CLAUSE.

The ordaining clause of ordinances shall be: "Be it ordained by the President and Board of Trustees of the Village of Hanna City" (ILCS Ch. 65, Act 5, § 1-2-2)

§ 32.42 VOTE REQUIRED; METHOD OF VOTING.

(A) The passage of all ordinances for whatever purpose, and of any resolution or motion to create any liability against the village or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the Board of Trustees, including the President, unless otherwise expressly provided by this code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the Board consists of an odd number of Trustees, the vote of the majority of the Trustees shall be sufficient to pass an ordinance. The passage of an ordinance, resolution, or motion to sell any school property shall require the concurrence of three-fourths of all Trustees then holding office.

(B) The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the Board. In addition, the Board of Trustees at any meeting may by unanimous consent take a single vote by yeas and nays on the several questions of the passage of any two or more of the designated ordinances, orders, resolutions, or motions placed together for voting purposes in a single group, which single vote shall be entered separately in the journal under the designation "omnibus vote," and in such event the Clerk may enter the words "omnibus vote" or "consent agenda" in the journal in each case in lieu of entering the names of the members of the Board voting "yea" and of those voting "nay" on the passage of each of the designated ordinances, orders, resolutions, and motions included in such omnibus group or consent agenda. The taking of such single or omnibus vote and such entries of the words "omnibus vote" or "consent agenda" in the journal shall be a sufficient compliance with the requirements of this section to all intents and purposes and with like effect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution, and motion included in such omnibus group, and separately recorded in the journal.

(C) Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any Trustee and shall be recorded in the journal. (ILCS Ch. 65m Act 5m & 3.1-40-40)

§ 32.43 APPROVAL AND DISAPPROVAL BY PRESIDENT.

All resolutions and motions which create any liability against the village or which provide for the expenditure or appropriation of its money, or to sell any village or school property, and all ordinances passed by the Board of Trustees, shall be deposited with the Clerk.

Except as provided in ILCS Ch. 65, Act 5, §§ 4-1-1 et seq. and 5-1-1 et seq., if the President approves of an ordinance or resolution, the President shall sign it. Those ordinances, resolutions, and motions which he/she disapproves shall be returned to the Board of Trustees, with his/her written objections, at the next regular meeting of the Board occurring not less than five days after their passage. The President may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the President may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the President fails to return any ordinance or any specified resolution or motion with his/her written objections within the designated time, it shall become effective despite the absence of his/her signature. (ILCS Ch. 65, Act 5, § 3.1-40-45)

§ 32.44 RECONSIDERATION.

(A) Every resolution and motion specified in § 32.43 and every ordinance returned to the Board of Trustees by the President shall be reconsidered by the Board of Trustees at the next regular meeting. If, after such reconsideration, two-thirds of all the Trustees then holding office on the Board shall agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the President's refusal to approve it, then it shall be effective. The vote on the question of passage over the President's veto shall be by yeas and nays and shall be recorded in the journal. (ILCS Ch. 65, Act 5, § 3.1-40-50)

(B) No vote of the Board of Trustees shall be reconsidered or rescinded at a special meeting, unless there are present at the special meeting as many Trustees as were present when the vote was taken. (ILCS Ch. 65, Act 5, § 3.1-40-55)

§ 32.45 PUBLICATION REQUIREMENTS; EFFECTIVE DATE.

(A) All ordinances imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, shall be printed or published in book or pamphlet form, published by authority of the Board of Trustees, or be published at least once, within 30 days after passage, in one or more newspapers published in the village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the village. If there is an error in printing, the publishing requirement of this section shall be satisfied if those portions of the ordinance that were erroneously printed are republished, correctly, within 30 days after the original publication that contained the error. The fact that an error occurred in publication shall not affect the effective date of the ordinance so published. If the error in printing is not corrected within 30 days after the date of the original publication that contained the error, as provided in the preceding sentence, the corporate authorities may by ordinance declare the ordinance that was erroneously published to be nevertheless valid and in effect no sooner than the tenth day after the date of the original publication, notwithstanding the error in publication, and shall order the original ordinance to be published once more within 30 days after the passage of the validating ordinance.

(B) Except as provided in ILCS Ch. 65, Act 5, § 1-2-4, no such ordinance shall take effect until ten days after it is so published. However, ordinances establishing rules and regulations for the construction of buildings or any part thereof, or for the development or operation of camps accommodating persons in house trailers, house cars, cabins, or tents, where

such rules and regulations have been previously printed in book or pamphlet form, may by their terms provide for the adoption of such rules and regulations or portions thereof by reference thereto without further printing, or publication, if not less than one copy of such rules and regulations in book or pamphlet form has been filed in the office of the Clerk for use and examination by the public at least thirty days prior to the adoption thereof.

(C) All other ordinances, resolutions, and motions shall take effect upon their passage unless they otherwise provide.

(D) Anything in this section to the contrary notwithstanding, any ordinance which contains a statement of its urgency in the preamble or body thereof, other than an ordinance relating to finance, appropriations, or taxes, adopted under ILCS Ch. 65, Act 5, §§ 8-1-1 et seq. may take effect immediately upon its passage provided that the Board of Trustees, by a vote of two-thirds of all the members then holding office, so direct. The decision of the Board of Trustees as to the urgency of any ordinance shall not be subject to judicial review except for an abuse of discretion. (ILCS Ch. 65, Act 5, § 1-2-4)

§ 32.46 RECORDATION.

The Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Board of Trustees. Immediately following each ordinance the Clerk shall make a memorandum of the date of the passage and of the publication or posting, where required, of the ordinance. This record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and of the publication or posting of ordinances. (ILCS Ch. 65, Act 5, § 1-2-5)

§ 32.47 REVISION.

The President may appoint, by and with the advice and consent of the Board of Trustees, one or more competent persons to prepare and submit to the Board of Trustees for adoption or rejection, an ordinance to revise the village ordinances. The compensation for this revision shall be fixed by the Board of Trustees and paid out of the village treasury. (ILCS Ch. 65, Act 5, § 1-2-3)

§ 32.48 ADOPTION OF CODES AND PUBLIC RECORDS BY REFERENCE.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC RECORD. Any village, state, or federal statute, rule, or regulation and any ordinance or resolution of the county in which the village is located, adopted prior to the exercise by any village of the authority to incorporate by reference herein granted; however, this definition shall not include the village ordinances, rules, or regulations of any village except those of the village which is exercising the right to incorporate by reference, nor shall this definition include the state laws, rules, or regulations of any state other than the state of Illinois.

PUBLISHED. Printed, lithographed, multigraphed, mimeographed, or otherwise reproduced.

REGULATIONS. Any published compilation of rules and regulations which have been prepared by nationally recognized technical trade or service associations and shall include specifically building codes; plumbing codes; electrical wiring codes; fire prevention codes; codes for the slaughtering, processing, and selling of meats and meat products for human consumption; and codes for the production, pasteurizing, and sale of milk and milk products. (ILCS Ch. 65, Act 5, § 1-3-1)

(B) The village may adopt by reference, as criteria for the issuance of construction, reconstruction, alteration, or installation permits, all or part of the provisions of regulations, without setting forth those provisions in full, if at least one copy of those regulations is filed in the office of the Clerk and is kept available for public use, inspection, and examination. The village may likewise adopt by reference the provisions of public records, if at least three copies of the public record are filed with and kept on file in the office of the Clerk as provided for regulations. The filing requirement is not deemed to be complied with unless the required copy of regulations or copies of the public record are filed with the Clerk for a period of 30 days before the adoption of the ordinance that incorporates the regulations or public record by reference. Regulations or a public record of a jurisdiction other than the state may not be adopted by reference covering any subject matter for which standards are available in any public record of the state. (ILCS Ch. 65, Act 5, § 1-3-2)

(C) The codes which have been adopted by the village pursuant to division (B) are set forth in Title XVII of this code.

Statutory reference:

Incorporation by reference of technical codes and public records, see ILCS Ch. 50, Act 220, §§ 1 through 7

STANDING COMMITTEES

§ 32.60 AUTHORITY TO ESTABLISH.

The Board of Trustees may have one or more standing committees with the powers, functions, and duties established by ordinance. The standing committees which have been established and their duties are set forth in Title XVII of this code.

§ 32.61 MEMBERS.

The members of each standing committee shall be appointed from time to time by the President with the advice and consent of the Board of Trustees.