

CHAPTER 31: VILLAGE OFFICIALS AND EMPLOYEES

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GENERAL PROVISIONS

§31.001 APPOINTMENTS.

The President with the consent of the Board of Trustees shall make appointments to fill all appointive offices. Employees of all departments shall be selected by the President, in the absence of provisions to the contrary as provided in this Municipal Code and/or in Illinois statutes. ('77 Code, §3.06(a), Rev. by Ord. No. 2011-12 passed 6/20/11)

§31.002 TERMS OF OFFICE; VACANCIES.

Every appointive officer of the Village shall hold office for a term of one year or until his successor, is appointed and qualified unless it is otherwise provided by provision of this Code. Employees selected shall serve so long as their services are desired. ('77 Code, § 3.06(b))

§31.003 ASSIGNMENT OF DUTIES.

The President shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer and shall determine disputes or questions relating to the respective powers or duties of officers. ('77 Code, § 3.06(c))

§31.004 INSPECTION OF RECORDS.

All records kept by any officer of the Village shall be open to inspection by the President, or any member of the Board, at all times, whether or not such records are required to be kept by statute or provision of this Code. ('77 Code, § 3.06(d))

§31.005 MONEYS RECEIVED.

Every officer of the Village shall at least once every day turn over all moneys received by them in their official capacity to the Village Treasurer with a statement which shows the source from which the same was received. ('77 Code, § 3.06(e))

§31.006 OATH AND BOND.

- (A) Every officer of the Village shall, before entering upon their duties, take the oath required by ILCS Ch. 65, Ch. 5, § 3.1-10-25. ('77 Code, § 3.06(f))
- (B) Every officer of the Village shall, if required by the Board, before entering upon the duties of office, give a bond in at least the minimum amount required by ILCS Ch. 65, Act 5, § 3.1-10- 30 as may be determined by the Board and with such sureties as it may approve, conditioned upon the faithful performance of the duties of their office or position. ('77 Code, § 3.06(g))

§31.007 COMPENSATION; SALARIES.

All officers and employees of the Village shall receive such compensation as may be provided from time to time by ordinance. No officer or employee receiving compensation from the Village shall be entitled to retain any portion of any fees collected by them in the performance of their duties as municipal officer or employee in the absence of a specific ordinance provision to that effect. ('77 Code, §3.06(h); Amd. Ord. No. 2011-12 passed 6/20/11)

§31.008 CONSERVATORS OF THE PEACE; POWERS TO MAKE ARRESTS.

The President and Trustees and members of the Police Department, are hereby declared to be conservators of the peace with such powers to make arrests as are given to the conservators of the peace by the Illinois Compiled Statutes. ('77 Code, §3.06(I))

§31.009 TERMINATION OF OFFICE.

Every officer of the Village, upon the termination of their office, shall deliver to their successor all books and records which may be the property of the Village, and if no successor has been appointed within one week after the termination of office, such property shall be delivered either to the Village Clerk or to the Village Treasurer. ('77 Code, §3.06(j))

§31.010 TRAVEL EXPENSE REIMBURSEMENT.

- (A) Interpretation: This Section shall be interpreted to be consistent with the Local Government Travel Expense Control Act, 50 ILCS 150/1 *et seq.*
- (B) Definitions: As used in this Section:
 - (1) Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
 - (2) Travel means any expenditure directly incident to official travel by employees and officers of the Village or direct payment to private agencies providing transportation or related services.
- (C) Official Business Requiring Expenses: Travel, meal, and lodging expenses will only be allowed for official business of the Village which is necessary to the functioning or improvement of the Village. If the business can be done remotely, no expenses shall be allowed. All effort shall be taken to avoid expenses. This includes scheduling meetings within the Village as opposed to an offsite location.

- (D) Entertainment Expenses: No entertainment expenses shall be reimbursed.
- (E) Maximum Reimbursement: The maximum reimbursements allowed for expenses shall be:
- (1) Mileage: The current rate for mileage set by the Internal Revenue Service.
 - (2) Meals (breakfast, lunch, dinner): \$50.00/day.
 - (3) Lodging: \$300.00/night.
 - (4) Other travel: \$350.00 per round trip.
- (F) Emergencies: In emergencies, amounts in excess of the above maximum limits may be permitted by the corporate authorities.
- (G) Expense Form: All anticipated and incurred expenses shall only be approved if submitted in the proper manner, including the information required in Section 31.010(I).
- (H) Approval by the Administrator: The Administrator is responsible for approving expenses incurred by employees which are under the amounts in Section 31.010(E). If the Administrator is the one incurring the expense, then the expense shall be approved by the President.
- (I) Approval by the Village Board: Any expenses incurred or to be incurred over the maximum levels in Section 31.010(E), and any expenses incurred or to be incurred by members of the Village Board, may only be approved if the following information is provided by the employee or trustee in writing, signed and dated and approved by the President and Board of Trustees by a roll-call vote at an open meeting:
- (1) Name and position (employee, trustee, etc.);
 - (2) Date(s) for which reimbursement is requested;
 - (3) Nature of the official business requiring this expense;
 - (4) Detailed estimate of anticipated expenses OR explanation of expenses incurred; and
 - (5) Any receipts for expenses already incurred must be attached to the submission; if a longer explanation is required, additional information shall be attached.
- (J) Public records: This policy and all forms submitted relative to this policy are public records.
- (K) No Right to Reimbursement: Nothing in this policy shall be construed as a right for any employee or officer to be reimbursed for expenses. No reimbursement may be given without approval by the Administrator or the Village Board. Employees and officers should, to the extent possible, obtain prior approval of their anticipated expenses before incurring any expenses.

(Ord. 017-02 passed 1-17-17)

VILLAGE PRESIDENT

§31.020 ELECTION; TERM OF OFFICE.

The President shall be elected for a term of four years. He shall be President of the Board of Trustees as provided by statute. ('77 Code, § 3.01(a))

§31.021 POWERS AND DUTIES.

- (A) The President shall be the chief executive officer of the Village and shall perform all such duties as may be required of them by statute or ordinance. He shall have general supervision over all the executive officers of the Village and over all of the employees of the Village. He shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time. ('77 Code, §3.01(b))
- (B) The President shall settle any question as to the respective powers or duties of any appointed officer or employee of the Village. He shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty. ('77 Code, §3.01(c))

§31.022 OATH AND BOND.

Before entering upon the duties of their office, the President shall give a surety bond conditioned upon their faithful performance of their duties, in the sum of \$3,000. He shall take the oath of office prescribed by statute and shall receive such compensation as may be set from time to time by the Board of Trustees. ('77 Code, § 3.01(d))

§31.023 APPOINTMENT AND REMOVAL OF OFFICERS.

- (A) The President shall appoint, by and with the advice and consent of the Board of Trustees, all officers whose appointment is not otherwise provided for by law, and whenever a vacancy occurs in any office, which by law or ordinance he is empowered and required to fill, he shall within 30 days after the happening of such vacancy, communicate to the Board the name of their appointee to such office, and pending the concurrence of the Board in such appointment, he may designate some suitable person to discharge the functions of such office. ('77 Code, §3.01(e))
- (B) The President shall have the power to remove any officer appointed by them 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 days, nor more than ten (10) days after such removal. If the President 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 vote of all its members authorized by Law to be elected, by "yeas" and "nays," to 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. ('77 Code, §3.01(f))

§31.024 OFFICIAL SIGNATURE.

The President 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 their official signature. ('77 Code, §3.01(g))

§31.025 POWERS OF PEACE OFFICER.

The President may exercise within the Village limits the powers conferred upon sheriffs by law to suppress disorder and keep the peace. ('77 Code, §3.01(h))

§31.026 PRESIDENT PRO-TEM.

During the temporary absence or disability of the President, the Board of Trustees shall elect one of its number to act as President Pro-Tem, who during the absence or disability of the President shall perform the duties of the office. ('77 Code, §3.01(I))

§31.027 COMPENSATION.

The President shall receive compensation as determined by the Board of Trustees for the performance of the duties of President. ('77 Code, § 3.01(j))

VILLAGE CLERK

§31.040 APPOINTMENT AND TERM.

The President shall appoint, with the advice and consent of the Board of Trustees, a qualified Village Clerk. Such appointment shall be valid unless and until the Village Clerk resigns or is removed from office, provided that after April 30, 2007, the term of the Village Clerk cannot exceed that of the Village President. When a new Village President takes office, he shall either reappoint the existing Village Clerk or may appoint a new Village Clerk to that position. ('77 Code, § 3.02(a)) (Am. Ord. 04-18, passed 4-19- 04)

§31.041 OATH AND BOND.

The Clerk, before entering upon the duties of their office, shall take the oath of office prescribed by law, and shall execute a bond to the Village in the penal sum of \$3,000 or such amount as may be fixed by resolution, with sureties as shall be approved by the President and Board of Trustees, conditioned for the faithful performance of the duties of their office, and the payment of all moneys that may be received by them, according to law and ordinance. The bond shall be filed with the Village Treasurer. ('77 Code, §3.02(b))

§31.042 OFFICE.

The Clerk shall keep their office at such place as the Board of Trustees may direct. The office shall be open at such reasonable hours as the Clerk may set pursuant to directions of the President. ('77 Code, §3.02(c))

§31.043 POWERS AND DUTIES.

- (A) The Clerk shall keep the corporate seal, to be provided by the corporate authorities, and all papers belonging to the municipality the custody and control of which are not given to other officers.
- (B) The Clerk shall attend all meetings of the corporate authorities including executive sessions and keep a full record of their proceedings in the journal, except if the Clerk is the subject matter of the meeting and their or her presence creates a conflict of interest. The record of those proceedings shall be made available for public inspection within 7 days after being approved or accepted by the corporate authorities as the official minutes of their proceedings.

- (C) 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 like manner as if the originals were produced.
- (D) The Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the corporate authorities. 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.
- (E) The Clerk shall serve as the FOIA Officer of the Village.
(O24-26, Passed 9-18-24)
- (F) The Clerk shall have other duties prescribed by the corporate authorities.

§31.044 ABSENCE OR DISABILITY; CLERK PRO-TEM.

In the event of temporary absence or disability of the Village Clerk, the President shall appoint a Village Clerk Pro-Tem by and with the consent of the majority of the Board of Trustees. ('77 Code, § 3.02(m))

§31.045 COMPENSATION.

The Village Clerk shall receive suitable compensation as determined by the Board of Trustees for the performance of the duties of Village Clerk. ('77 Code, § 3.02(n))

VILLAGE TREASURER

§31.055 OFFICE CREATED.

There is hereby created the office of Treasurer of the Village. ('77 Code, § 3.03(a))

The Director of Finance shall serve as the Village Treasurer (O25-07 6-19-25)

§ 31.056 APPOINTMENT AND COMPENSATION.

- (A) The President shall appoint, by and with the advice and consent of the Board of Trustees, a qualified Village Treasurer. The Village Treasurer need not reside in the Village. Such appointment shall be valid unless and until the Village Treasurer resigns or is removed from such office, provided that the term of the Village Treasurer cannot exceed that of the Village President. When a new Village President takes office, he shall either reappoint the existing Village Treasurer or can appoint a new Village Treasurer to that position. ('77 Code, §3.03(b); Am. Ord. 03-3, passed 1-20-03)
- (B) The Treasurer shall receive compensation as determined by the Board of Trustees for the performance of the duties of Treasurer.

§31.057 OATH AND BOND.

The Treasurer, before entering upon the duties of the office, shall take the oath prescribed by law, and shall execute a surety bond to the Village, in a penal sum required by statute. ('77 Code, §3.03(c))

§31.058 POWERS AND DUTIES.

- (A) The Treasurer shall receive all money belonging to the Village and shall keep the Treasurer's 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 corporate authorities.
- (B) The Treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging to the fund or appropriation.
- (C) 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 possession of money properly appropriated to the payment of any warrant lawfully drawn upon the Treasurer, the Treasurer shall pay the money specified in the warrant to the person designated by the warrant.
- (D) Reports: At the end of every month, and oftener if required by the corporate authorities, the Treasurer shall render an account under oath to the corporate authorities, 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 the Treasurer.
- (E) Receipts and Expenditures: The Treasurer shall report to the corporate authorities, as often as they require, a full and detailed account of all receipts and expenditures of the Village, as shown by the Treasurer's books, up to the time of the report.
- (F) Within 6 months after the end of each fiscal year, the Treasurer shall annually prepare and file with the Clerk an account of moneys received and expenditures incurred during the preceding fiscal year as specified by statute. Upon receipt of the account from the Treasurer, the Clerk shall publish the account at least once in one or more newspapers published in the Village.
- (G) The Treasurer shall perform other duties as requested by the President and/or the Board of Trustees.

VILLAGE ADMINISTRATOR

§31.070 CREATION OF OFFICE.

There is hereby created the office of Village Administrator of the Village of Deer Park, Lake and Cook County, Illinois. ('77 Code, § 3.035(a)) (Ord. 79-2, passed 2-24-79)

§31.071 APPOINTMENT; TERM; REMOVAL.

- (A) The Administrator shall be appointed by the President and Board of Trustees. He shall be chosen on the basis of their executive and administrative qualifications with special reference to their actual experience and their knowledge of accepted practice in respect to the duties of the office hereinafter set forth. Neither the President nor any of the Trustees shall receive such appointment during the term for which he shall have been elected or within two years after the expiration of their term.
- (B) The Village Administrator shall remain in office so long as he performs their duties to the satisfaction of the President and the Board of Trustees.

- (C) The Village Administrator may be removed by the Village Board by a majority vote of the entire Board at any time. The Administrator may request a written statement of the reasons for removal, which the Village Board shall furnish to the administrator within 20 days after the filing of such request. During this period, the administrator may be suspended from office with or without pay. The action of the Village Board in removing the administrator shall be final. ('77 Code, § 3.035(b)) (Ord. 79-2, passed 2-24-79)

§31.072 COMPENSATION AND EMPLOYMENT AGREEMENT.

The Administrator's rate of compensation shall be set by the Village Board and may be adjusted from time to time as it deems appropriate. Subject to the terms and conditions of state law and this Code, the Village Board and the Administrator shall enter into an employment agreement which specifies in writing the level of compensation of the Administrator, fringe benefits including levels of support for the Administrator's continuing professional education, agreements for separation pay upon termination of the Administrator's employment, other appropriate agreements describing the working relationship between the Administrator and corporate authorities, and the Village Board's performance expectations for the Administrator. This agreement should be reviewed and revised by mutual agreement of the parties at periodic intervals of no more than one year's duration.

§31.073 OATH AND BOND.

Before taking office, the Village Administrator shall take and subscribe to the oath prescribed in ILCS Ch. 65, Act 5, § 5-3-9, which oath shall be filed in the Village Office, and the Village shall furnish a fidelity bond in the amount of \$12,000 conditioned upon the faithful performance of their duties, with an insurance corporation satisfactory to the corporate authorities and licensed to do business in the state as surety. Such bond shall be filed with the Village Clerk after being approved by the President and Board of Trustees, and the premium on the bond shall be paid by the Village. ('77 Code, § 3.035(d)) (Ord. 79-2, passed 2-24-79)

§31.074 POWERS AND DUTIES.

The Administrator shall be responsible to the President and Board of Trustees for the proper administration of all affairs of the Village. In discharging this responsibility, the Administrator shall:

- (1) Direct, supervise, and coordinate the administration of all departments, offices, and agencies of the Village, except as otherwise provided by law;
- (2) Appoint and, when necessary for the good of the service, suspend or remove all Village employees and appointive administrative officers except when otherwise provided for by law. All appointments and removals shall be based solely upon merit and on the qualifications or disqualifications of the individuals involved, without regard to race, sex, religious convictions, or political belief or affiliation. The Administrator may authorize any administrative officer, subject to the Administrator's direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (3) Attend all Village Board meetings. The Administrator shall have the right to take part in all discussions, but shall not vote;
- (4) Provide for the enforcement of all laws and ordinances within the Village;

- (5) Serve as Village Budget Officer and prepare and submit to the Village Board, by the date set by the Village Board, a recommended annual budget for Village operations and a recommended capital program. When the annual budget or capital program have been approved by the Village Board, the Administrator shall be responsible for the administration of said budget or capital program;
- (6) Submit to the Village Board and make available to the public a complete report on the finances and administrative activities of the Village as of the end of each fiscal year;
- (7) Make such other reports as the Village Board may require concerning the operations of Village departments, offices, and agencies;
- (8) Keep the Village Board fully advised of the present financial condition and future needs of the Village;
- (9) Advise the Village Board on pending decisions of public policy and recommend the adoption of such measures as the Administrator may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services;
- (10) Be responsible for procurement of commodities and services for all Village departments, offices, and agencies, and promulgate purchasing rules which shall be followed by employees in the procurement of goods and services;
- (11) Propose to the Village Board such personnel rules and regulations as the Administrator deems necessary to manage the personnel policies of the Village;
- (12) Be responsible for the conduct of all collective bargaining processes of the Village, and recommend to the Village Board collective bargaining agreements for consideration and possible final approval by the Village Board. The Administrator shall be responsible for administering all employee organization contracts reached through the collective bargaining process;
- (13) Provide staff support services for the President and the Board of Trustees;
- (14) Perform such other duties as may be specified by law or Village ordinance or as may from time to time be requested by the Village Board.

§31.075 ACTING ADMINISTRATOR.

If, because of a temporary absence, disability, or illness, the Administrator is unable to carry out the functions of this office, the President and Board of Trustees may appoint a member of the Village's senior administrative staff to serve as Acting Administrator and carry out the duties of the office during the absence.

§31.076 MATTERS DIRECTED TO THE ADMINISTRATOR'S ATTENTION.

No citizen or elected officer of the Village shall dictate the appointment of any person to, or their removal from, office by the Administrator or by any of the Administrator's subordinates. Except for the purpose of inquiry, elected Village officers shall deal with the administrative service through the Administrator. Elected Village officers shall not give orders to any subordinates of the Administrator, either publicly or privately.

§31.077 AUTHORITY OF ELECTED OFFICIALS.

Nothing in this Code shall be deemed to diminish or detract from the statutory powers and authority of the Village's elected officials.

VILLAGE ATTORNEY

§31.085 ATTORNEY ON RETAINER.

A Village Attorney shall be retained and employed by the President, by and with the advice and consent of the Board of Trustees. ('77 Code, § 3.04(a))

§31.086 POWERS AND DUTIES.

The Village Attorney shall serve as legal advisor to the Village President, Board of Trustees and Village Clerk on matters pertaining to their duties and Village interests, shall represent the Village in litigation except where the Board of Trustees directs otherwise, shall draft all contracts, ordinances or other documents needed by the Village, and shall render such other legal services as may be required by the President and Board of Trustees. ('77 Code, §3.04(b))

§31.087 COMPENSATION.

The Village Attorney shall receive compensation for their services as shall be determined from time to time by the Board of Trustees. ('77 Code, § 3.04(c))

VILLAGE ENGINEER

§31.100 ENGINEER ON RETAINER.

The Village may retain the services of an engineer as a consultant from time to time as determined by the Board of Trustees, who may be described as Village Engineer. ('77 Code, §3.05(a))

§31.101 POWERS AND DUTIES.

- (A) The Village Engineer shall keep accurate maps, plats and records of all public works, lands or property owned by the Village. ('77 Code, § 3.05(b))
- (B) The Village Engineer shall advise the President and Board of Trustees, and other Village officials, on all engineering matters referred to them, and shall perform such duties as are provided by law or ordinance, and in addition thereto such other duties as from time to time may be imposed upon them by the President and the Board of Trustees. He shall, from time to time, as required by the President and Board of Trustees, make reports regarding public improvements, repairs of streets, and other public works, and shall make suggestions to the President and Board of Trustees regarding the same as shall, in their judgment, seem best and proper. ('77 Code, §3.05(c))

§31.120: Reserved