

Chapter 55

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Officers

[Derived from Title 1, Ch. 2, Art. 1, of the 1993 Code]

§ 55-1. Officer named.

The officers of the Village shall consist of a Village President, six Trustees and a Village Clerk.

§ 55-2. Vacancies.

Vacancies occurring in any office, except that of the Village President or Trustee, shall be filled by appointment of the Village President with the consent of the Board of Trustees.

§ 55-3. Oath; bonds.

A. Oath.

- (1) All officers of the Village shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) 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 _____ according to the best of my ability.

- (2) Which oath or affirmation so subscribed to shall be filed with the Village Clerk. The President and Clerk shall have the power to administer oaths and affirmations upon all lawful occasions.

B. All such officers, except the Trustees, shall before entering upon the duties of their respective offices execute a bond, with security to be approved by the Board of Trustees, payable to the said Village, in such penal sum as is set forth by the State and the Board of Trustees, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to the law and the ordinances of the Village.

C. The following shall give bond in the following amounts: [Amended 7-9-2007 by Ord. No. 070907V3¹]

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- (1) Village President: \$3,000.
- (2) Village Clerk: \$16,000.
- (3) Village Treasurer: \$6,000.
- (4) Deputy Clerk: \$16,000.

§ 55-4. Qualifications.

No person shall be eligible to any office who is not a qualified elector of the Village, who shall not have resided therein at least 30 days preceding his election or appointment; nor shall any person be eligible to any office who is in default to the Village.

§ 55-5. Officer to hold one office only.

The Village President, Village Clerk or member of the Board of Trustees shall not hold any other office under the Village government during his term of office.

§ 55-6. Conservators of peace.²

After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Village President and Trustees shall be conservators of the peace and, as such, shall exercise the powers conferred upon them under the statutes of the State of Illinois.

§ 55-7. Powers conferred upon state officers.

Any sheriff of Rock Island County, Illinois, may serve any process or make any arrest authorized to be made by any Village officer.

§ 55-8. Salaries.

The compensation paid the elected and appointed officials of the Village and of the various employees thereof shall be set from time to time by the President and Board of Trustees.

ARTICLE II
Village President
[Derived from Title 1, Ch. 2, Art. 3, of the 1993 Code]

§ 55-9. Qualifications.

The Village President shall be a citizen of the United States.

§ 55-10. Vacancy; duties.

A. Whenever a vacancy shall occur in the office of Village President, when the unexpired term shall be one year or more from the date when the vacancy occurs, it

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

shall be filled by special election. If the vacancy is less than one year, the Board of Trustees shall elect one of its own members to act as President until the next annual election and until his successor is elected and qualified. If the President, at any time during his term of office, shall move from the limits of said Village, his office shall thereby become vacant.

- B. During a temporary absence or disability of the Village President, the Board shall elect one of its own members to act as President pro tem, who during such absence or disability of the President shall possess the power of the President.
- C. The President shall preside at all meetings of the Board but shall not vote except in case of a tie, when he shall give the casting vote.
- D. The President shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the Village demand such removal, but he shall report the reasons for such removal to the Board of Trustees at a meeting thereof to be held not less than five days nor more than 10 days after such removal. If the President shall fail or refuse to file with the Village Clerk a statement of the reasons of the said removal, or if the Board by 2/3 vote of all its members authorized by law to be elected disapproves of such removal, such officer shall thereupon become restored to the office from which he was so removed, but he shall give new bonds and take new oath of office. No officer shall be removed a second time for the same offense.
- E. The President may release any person imprisoned for the violation of any Village ordinance and shall report such release, with the cause thereof, to the Board at its first session thereafter.
- F. The President shall perform such duties as are or may be required by law or by the Village ordinances and shall take care that the laws and ordinances are faithfully executed. He shall have the power at all times to examine and inspect books, records and papers of any agent, employee or officer of the Village.

§ 55-11. Veto of ordinances.

- A. All ordinances passed by the Board of Trustees shall, before they take effect, be deposited with the Village Clerk, and if the Village President approves thereof, he shall sign the same, and such as he does not approve he shall return to the Board with his objections thereto in writing at the next regular meeting of the Board, occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation or to the entire ordinance, and in case the veto extends only to part of such ordinance, the residue thereof shall take effect and be in force, but in case the President shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.
- B. Upon the return of any ordinance by the President with his veto, the vote by which the same was passed shall be reconsidered by the Board, and if after such

reconsideration 2/3 of all the members elected to the Board shall agree by yeas and nays to pass the same, it shall go into effect, notwithstanding the President may refuse to approve the same.

ARTICLE III

Village Clerk

[Derived from Title 1, Ch. 2, Art. 4, of the 1993 Code]

§ 55-12. Records of meetings.

- A. The Village Clerk shall attend every meeting of the Board of Trustees, including executive sessions, and shall keep a correct record of all proceedings of said Board, except if the Clerk is the subject matter of the meeting and his or her presence creates a conflict of interest; he or she shall safely keep the Corporate Seal and use it in all cases where necessary whenever applied to for that purpose; the Clerk shall notify all committees appointed by said Board of their appointment; and the Clerk shall perform all other duties which, by usage and custom, devolve upon clerks and secretaries of incorporated bodies. To facilitate the discharge of the Clerk's duties, the Clerk may, and the Clerk is hereby authorized to, procure for said Village such blank forms as may be necessary for the above purposes.³
- B. The Clerk shall keep all the records, papers, ordinances, votes and proceedings of the Board and of the Village, and of all assessments and returns, and of the elections of the Village officers, and shall record in a book all ordinances of said Village and all appointments of officers of said Village, and have all ordinances, when so required by law, published immediately after their passage; and should any records or papers or other instrument of writing belonging to said Village be lost or obliterated, the Clerk shall be responsible for the damage that may accrue by such loss.

§ 55-13. List of committees; signature.

The Clerk shall keep a list of all committees appointed by said Board or the Village President and, in conjunction with the Village President, sign all ordinances, bonds and licenses and affix the Seal of the Village thereto, and perform such other duties as may be required by the Board of Trustees.

§ 55-14. Supervision of revenues; deeds and vouchers.

The Clerk shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and report and pay them monthly into the treasury. The Clerk shall have charge of all deeds, vouchers, books and papers of any kind, the control of which is not given to any other officer.

§ 55-15. Collector duties.

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- A. It shall be the duty of the Clerk, who shall also be the Village Collector of Special Assessments into whose hands all warrants for collection shall so come, as far as practicable, to call upon all persons resident within the Village whose names appear on the assessment roll, or the occupants of the property assessed, and personally or by written or printed notice left at said person's abode inform them of such assessment and request payment of the same.⁴
- B. It shall be the duty of the Clerk as Collector of Special Assessments, by the second Monday in April of each year, to make a report to the general officers of Rock Island County designated by the general revenue laws of this state, to apply for a judgment and sell lands for taxes due the county and state of all lands, town lots and real property on which the Clerk shall have been unable to collect special assessments, if any, with the amount of the special assessments due and unpaid thereon, together with the Clerk's warrant authorizing the collection thereof. Said report shall be accompanied with the oath of the Collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments remain due and unpaid; that the Clerk cannot collect the same, or any part thereof, and that the Clerk has given the notice required by law that the said warrants have been received by the Clerk for collection. The Clerk shall also file with the County Collector, on or before March 15 in each and every year, a list of all delinquents for special assessments or special tax which may remain in the Clerk's hands, according to the state law in such case made and provided.

ARTICLE IV
Village Collector

[Adopted 4-12-1982 by Ord. No. 4-12-82 (Title 1, Ch. 2, Art. 5, of the 1993 Code)]

§ 55-16. Creation of office.

There is hereby created the office of the Village Collector.

§ 55-17. Appointment.

The Village Clerk of the Village of Port Byron, Illinois, shall be the Village Collector.

§ 55-18. Salary. [Amended 3-20-1995; 7-9-2007 by Ord. No. 070907V2]

The salary of the Village Collector shall be in the sum of \$300 per month.

§ 55-19. Duties.

It shall be the duty of the Village Collector to collect and receive monies that are not paid directly to the Treasurer and to keep such records pertaining to such collections as may be required by statute or ordinance.

§ 55-20. Reports.

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

The Village Collector shall make such reports as are required by statute. The Village Collector shall also make an annual report during the last month of the fiscal year, showing all the activities of his or her office.

ARTICLE V

Village Treasurer

[Derived from Title 1, Ch. 2, Art. 6, of the 1993 Code]

§ 55-21. Duties.

- A. The Village Treasurer shall receive all monies belonging to said Village and shall keep his books and accounts in such a manner as to exhibit, at all times, the true financial condition of the corporation, and such books and accounts shall always be subject to the inspection of any member of the Board of Trustees. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account, and shall keep such receipt on file. He shall keep all monies belonging to said Village in some secure place, separate and distinct from his own monies, and he shall not use, either directly or indirectly, corporation money in his custody for his own use.
- B. At each regular meeting, the Village Treasurer shall render an account and state the balance of money in the treasury, and turn over all vouchers received by him, together with said account, to the Village Clerk. At the end of the fiscal year, he shall make out and file with the Clerk a full detailed account of all receipts and expenditures of said Village.

§ 55-22. Clerk may serve.

When so directed by the President, with the concurrence of the members of the Board, the Village Clerk shall perform the duties and assume the responsibilities prescribed in § 55-21.

ARTICLE VI

Building Inspector

[Adopted 8-12-1985 by Ord. No. 85-8-12C (Title 1, Ch. 2, Art. 10, of the 1993 Code)]

§ 55-23. Office established.

This article shall be known, cited and referred to as the "Office of Building Inspector Ordinance of the Village of Port Byron, Illinois."

§ 55-24. Powers.

This article is enacted pursuant to the powers granted to this Village by Illinois Revised Statutes, 1983, Chapter 24, in order to describe the duties, term and compensation of the Office of Village Building Inspector.

§ 55-25. Duties.

The Office of Building Inspector of the Village shall have all duties and responsibilities as provided by ordinances of the Village and by the statutes of the State of Illinois.

§ 55-26. Term of office.

The term of office of the Building Inspector shall be one year to coincide with the election of the office of Village President.

§ 55-27. Compensation.

The Building Inspector shall be paid such compensation as determined by the Board of Trustees and shall be paid biweekly.

ARTICLE VII

Participation in State Retirement Fund
[Adopted 9-19-1994 by Ord. No. 94-19-9A]

§ 55-28. Election to participate.

The Board of Trustees of the Village of Port Byron, Rock Island, Illinois, does hereby elect to participate in the Illinois Municipal Retirement Fund.

§ 55-29. Standard for participation.

The standard for IMRF participation shall be a position normally requiring performance of duty for 1,000 hours per year.

§ 55-30. Filing.

The Clerk is directed to promptly file a certified copy of this article with the Board of Trustees of the Illinois Municipal Retirement Fund.

ARTICLE VIII

Sexual Harassment Policy
[Adopted 3-5-2001 by Ord. No. 010503A]

§ 55-31. Prohibition.

The employees, officers and Trustees of the Village shall refrain from any and all activity that falls under the definition of sexual harassment as herein defined.

§ 55-32. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SEXUAL HARASSMENT — Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature, when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

ARTICLE IX
State Officials and Employees Ethics Act
[Adopted 5-10-2004 by Ord. No. 041005]

§ 55-33. Adoption by reference.

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 article) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5.

§ 55-34. Prohibited activities.

- A. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act by any officer or any employee of the Village is hereby prohibited.
- B. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act is hereby prohibited.
- C. The participation in political activities prohibited under the Act by any officer or employee of the Village is hereby prohibited.

§ 55-35. Terms defined.

For purposes of this article, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

§ 55-36. Violations and penalties.

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

§ 55-37. Construal of provisions.

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

§ 55-38. Incorporation of amendments.

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

§ 55-39. Severability.

- A. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this article 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 article 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.
- B. 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 article shall remain in full force and effect; however, that part of this article relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.