

Chapter 2

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ARTICLE I. IN GENERAL

Secs. 2-1—2-18. Reserved.

ARTICLE II. BOARD OF TRUSTEES**Sec. 2-19. Election; functions.**

The board of trustees, consisting of six members, shall be elected to office for a four-year term, according to the method provided by state law. The board shall be the legislative department of the village government and shall perform such duties and have such powers as may be delegated by statute to it.

(Code 1981, § 2-1-1)

Sec. 2-20. Trustee oath; salary.

The members of the board of trustees shall take the oath of office prescribed by statute and shall receive such compensation as may be provided by ordinance.

(Code 1981, § 2-1-2)

Sec. 2-21. Regular and special meetings.

(a) The village board shall hold its regular meetings in the village hall on the first and third Tuesdays of each month at 7:00 p.m. CST or 7:30 p.m. CDT, and no notice of such regular meeting shall be required.

(b) Special meetings may be called by the president of the village or any three trustees upon at least 24 hours' notice to all members and the president, provided that, if all of the trustees are present at a special meeting, no notice of such meeting shall be necessary and such notice shall be deemed waived. Notice when given shall be served by the police chief.

(Code 1981, § 2-1-3)

Sec. 2-22. President to preside; president's vote limited.

(a) *Generally.* The president shall be the presiding officer of all regular and special meetings of the board of trustees and at all times when the board meets as a committee of the whole.

(b) *Deciding vote.*

(1) The president shall not vote on any ordinance, resolution or motion except:

- a. When the vote of the trustees has resulted in a tie; or
- b. Where one-half of the trustees elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or
- c. Where a vote greater than a majority of the corporate authorities is required by this Code to adopt an ordinance, resolution or motion.

- (2) In each instance specified in subsection (b)(1) of this section, the president shall vote. Nothing in this subsection (b) shall deprive an acting president or president pro tem from voting in his capacity as trustee, but he shall not be entitled to another vote in his capacity as acting president or president pro tem.
(Code 1981, §§ 2-1-4, 2-1-5)

Sec. 2-23. Procedure for adoption of ordinances and resolutions.

(a) *Generally.* As a general rule, the board of trustees shall exercise its legislative lawmaking authority through the use of ordinances. In particular, acts of the board of trustees that create liability against the village or provide for the expenditure of its money or authorize sale of village property shall be by ordinance. Resolutions shall be used by the board when exercising its administrative and non-legislative authority and motions shall be used by the board for expressing the board's opinion on a topic, adopting or establishing a policy, or directing further action.

(b) *Approval or disapproval by president; veto.* If the president approves of a proposed ordinance or resolution, he shall sign it. If he disapproves, he shall return it to the board with his written objections at the next regular board meeting occurring not less than five days after passage of the ordinance or resolution. The president may disapprove of one or more sums appropriated by an ordinance and if so, the remainder shall be effective, or he may disapprove the ordinance or resolution entirely. If the president fails to return an ordinance or a specified resolution with his written objections, within the designated time, it shall become effective despite the absence of his signature.

(c) *Reconsideration; passing over veto.* Every ordinance, resolution and motion returned to the board of trustees by the president shall be reconsidered by the board of trustees. If, after such reconsideration, two-thirds of all the trustees elected to the village board shall agree to pass the ordinance, resolution or motion, notwithstanding the president's refusal to sign 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.

(d) *Clerk to receive adopted legislation.* All ordinances, resolutions and motions adopted or passed by the board of trustees shall be provided to the village clerk.
(Code 1981, §§ 2-1-6, 2-1-7)

Sec. 2-24. Order of business.

The order of business of the board of trustees of the village shall be as follows:

- (1) Roll call.
- (2) Reading minutes of previous meeting.
- (3) Reports of standing committees.
- (4) Reports of special committees.
- (5) Special reports.

- (6) Unfinished business.
 - (7) Claims, petitions, ordinances, resolutions and miscellaneous business.
 - (8) Adjournment.
- (Code 1981, § 2-2-1)

Sec. 2-25. Additional rules of order.

(a) *Robert's Rules of Order.* The most recent edition of Robert's Rules of Order shall govern the deliberations of the board of trustees except when in conflict with any of the foregoing rules.

(b) *Meetings open to the public.* All meetings of the board of trustees shall be open to the public as provided by state law.

(c) *Disturbing meetings.* It is unlawful for any person to disturb any meeting of the board of trustees or of any committee thereof. Any person violating the provisions of this subsection shall be fined in accordance with the general penalty provisions of this Code for each offense.

(d) *Rescinded action.* No vote or action of the board of trustees shall be rescinded at any special meeting of the board of trustees unless there be present at such special meeting as many members of the board of trustees as were present at the meeting when such vote or action was taken, as provided by state law.

(e) *Resolutions.* Any resolutions submitted to the board of trustees shall be reduced to writing before being voted upon on request of any two members of the board.

(f) *Addressing meetings.* No person other than the president or a member of the board shall address that body at any regular or special meeting except upon consent of a majority of the members present.

(g) *Suspension of rules.* The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.

(h) *Quorum.* A majority of the trustees or three trustees and the president shall constitute a quorum to do business.

(i) *Committees.* The board of trustees, from time to time, shall create such standing and special committees of the board as may be required. All standing and special committees shall consist of three members each, including the committee chairman, unless the board shall otherwise direct. All committee members shall be appointed by the president.
(Code 1981, §§ 2-2-2—2-2-10; Ord. No. 714, 3-4-2003)

Secs. 2-26—2-53. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-54. Applicability; standards and procedure.

- (a) *Applicability.* The provisions of this section shall apply alike to all officers or employees of the village, regardless of the time of the creation of the office or of the time of the appointment of the officer.
- (b) *Appointment.* The president and board of trustees shall make appointments to fill all appointive offices; employees shall be selected by the president.
- (c) *Terms of office.* When the term of office is not otherwise fixed, every appointive officer or employee of the village shall hold office until his successor is appointed and qualified. Employees selected shall serve so long as their services are desired.
- (d) *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.
- (e) *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 reasonable times, whether or not such records are required to be kept by statute or ordinance.
- (f) *Monies received.* Every officer and employee of the village shall, at least once each week, turn over all money received by him in his official capacity to the treasurer with a statement showing the source from which the same was received.
- (g) *Bond.* Every officer of the village shall, if required by the board, before entering upon the duties of his office, give a bond in such amount as may be determined by the board and with such sureties as it may approve, conditioned upon the faithful performance of the duties of his office or position.
- (h) *Salaries.* All officers and employees of the village shall receive such salaries as may be provided from time to time by the village board of trustees. No officer or employee receiving a salary from the village shall be entitled to retain any portion of any fees collected by him.
- (i) *Termination of office.* Every officer of the village, upon the termination of his office, for any cause, shall deliver to the 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 clerk or to the treasurer.
- (j) *Impersonation.* It is unlawful for any person to impersonate, without lawful authority, any village officer or employee.
- (k) *Interfering with officers.* It is unlawful to interfere with or hinder any officer or employee of the village while engaged in the duties of his office.

(l) *Inspections by village officers.* Any officer or employee of the village who is authorized to enforce ordinances may make such inspections as may be necessary to see to the enforcement of such ordinances.

(Code 1981, §§ 4-6-1—4-6-12)

Sec. 2-55. Village participation in state municipal retirement fund program.

The board of trustees of the village elected village participation in the Illinois Municipal Retirement Fund, effective September 5, 1978. The clerk shall be the duly appointed and designated agent authorized to act for the village in all or any matters pertaining to the fund.

(Code 1981, §§ 4-7-1, 4-7-2)

Sec. 2-56. Adoption of portions of state ethics act.

(a) The following portions of the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., are adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 ILCS 430/70-5:

(1) 5 ILCS 430/5-15, Prohibited Political Activities.

(2) 5 ILCS 430/10-10 to 430/10-40, Gift Ban.

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

(c) The penalties for violations of this section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the state act.

(d) This section 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 section, however, the provisions of this section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(Code 1981, § 7-8-1; Ord. No. 722, 5-18-2004)

Secs. 2-57—2-85. Reserved.

DIVISION 2. SPECIFIC OFFICES

Sec. 2-86. President and president pro tem.

(a) *Election; term of office.* The president shall be elected for a term of four years, and he shall be the president of the board of trustees, as is provided by state law.

(b) *Duties.* The president shall be the chief executive officer of the village, and he shall perform all such duties as may be required of him by statute or ordinance. He shall have 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.

(c) *Designation of duties.* When there is a question as to the respective powers or duties of any appointed officer of the village, this shall be settled by the president; and 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.

(d) *Bond; oath; salary.* Before entering upon the duties of his office, the president shall give a bond with sureties to be approved by the board of trustees conditioned upon his faithful performance of his duties, in the sum of \$10,000.00. He shall take the oath of office as prescribed by statute and shall receive such compensation as may be set from time to time by the board.

(e) *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 pertaining to the office.
(Code 1981, §§ 1-1—1-5)

Sec. 2-87. Clerk.

(a) *Appointment; term.* The clerk shall be appointed by the president with the approval of the village board and shall serve for a four-year term and until his successor is appointed and qualified, as provided by state law.

(b) *Bond.* Before entering upon his duties of office, the clerk shall execute a bond in such amount as is provided by state law, and file such bond with the village treasurer, conditioned upon the faithful performance of his duties.

(c) *Signature.* The clerk shall seal and attest all contracts of the village and all licenses, permits and such other documents as shall require this formality.

(d) *Money collected.* The clerk shall turn over all money received by him on behalf of the village to the village treasurer promptly upon receipt of the same; and with such money he shall give a statement as to the source thereof.

(e) *Accounts.* The clerk shall keep accounts showing all money received by him and the source and disposition thereof, and such other accounts as may be required by statute or ordinance.

(f) *Records.* In addition to the record of ordinances and other records which the clerk is required by statute to keep, he shall keep a register of all licenses and permits issued and the payments thereof, a record showing all of the officers and regular employees of the village and such other records as may be required by the village.

(g) *Seal.* The clerk shall be the custodian of the village seal and shall affix its impression on documents when this is required.

(h) *Documents.* The clerk shall be the custodian of all documents belonging to the village which are not assigned to the custody of some other officer.

(i) *Indices.* The clerk shall keep and maintain a proper index to all documents and records kept by him, so that ready access thereto and use thereof may be had.

(j) *Additional duties.* In addition to the duties herein provided, the clerk shall perform such other duties and functions as may be required by statute or ordinance.

(k) *Vacancies.* In case the office of clerk shall become vacant for any reason, the president and board of trustees shall appoint a successor as provided by state law.
(Code 1981, §§ 3-1—3-11; Ord. No. 593, 1-22-1985)

Sec. 2-88. Treasurer.

(a) *Appointment; term.* The village treasurer shall be appointed by the president, with the advice and consent of the board of trustees and shall serve for a four-year term and until his successor is qualified, as provided by state law.

(b) *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 ten percent of the highest amount of taxes and special assessments received by the treasurer during any fiscal year in the preceding five fiscal years nor less than 1½ times the largest amount which the president and board of trustees estimate will be in his custody at any one time. Such bond shall be filed with the clerk as required by statute.

(c) *General duties.* The treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid to the village, either directly from the person paying it or from the hands of such other officer as may receive it, and he shall pay out money only on vouchers or orders properly signed by the president and board of trustees.

(d) *Deposit of funds.* He shall deposit the village funds in such depositories as may be selected from time to time as is provided by law, and he shall keep the village money separate and distinct from his own and shall not intermingle his own money with it or make private or personal use of the village funds.

(e) *Records.* The treasurer shall keep records showing all money received by him, the source from which it was received, and the purpose for which it was paid out; and he shall keep a record showing at all times the financial status of the village.

(f) *Accounts.* The treasurer shall keep such books and accounts as may be required by the president and board of trustees and shall keep them in the manner required by the president and board of trustees.

(g) *Reports.* The treasurer shall make monthly reports to the president and board of trustees showing the state of finances of the village, and the amounts received and spent during the month, which reports shall be filed. He shall also make an annual report after the close of the fiscal year, as required by statute, with the total amount of all receipts and expenditures of the village and his transactions as treasurer during the preceding year.

(h) *Special assessment fund.* All monies received on any special assessment shall be held by the treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued therefor, together with interest thereon, for which the assessment was made, and the money shall be used for no other purpose, unless to reimburse the village for money expended for such improvements. Payment on bonds or vouchers shall be made in accordance with the statutes and the law and the treasurer shall keep his books and accounts in such a manner so that proper transactions in payments of principal and interest can be made and ascertained.

(i) *Warrants; transfer of funds.* All warrants drawn on the treasurer must be signed by the president and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid except as may be provided by state law. Money shall not be transferred by the treasurer from one fund to another, after it has been received by him, nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the president and board of trustees, in manner and form prescribed by statute.
(Code 1981, §§ 4-2-1—4-2-9)

Sec. 2-89. Collector.

(a) *Office created; term.* There is created the office of collector of special taxes and assessments for the village, who shall be the clerk, and whose term of office as collector shall be concurrent with the term as clerk.

(b) *Bond.* The collector shall give bond before entering upon his duties for the faithful performance of his duties in the penal sum of double the amount it shall be estimated that he as collector shall receive during any one calendar year of his term.

(c) *General duties.* It shall be the duty of the collector to collect all special taxes and assessments levied within the corporate limits of the village in the manner as provided by state law and ordinance, and to deliver his receipts immediately to the treasurer, and he shall perform such other duties as may be prescribed for him by statute or ordinance.

(d) *Records.* The collector shall keep a record showing all money received by him, showing the source and purpose for which paid, and he shall keep his records in the manner required by the board of trustees.

(e) *Compensation.* The collector shall receive as compensation for his services an annual salary to be determined by the president and board of trustees.
(Code 1981, §§ 4-4-1—4-4-5)

Sec. 2-90. Village attorney.

(a) *Creation; appointment.* There is created the office of corporation counsel, an executive office of the village. The corporation counsel shall be appointed by the president and the board of trustees.

(b) *Special counsel.* The president, with the consent of the board of trustees, may from time to time retain an attorney to represent or advise the village on legal matters, if no corporation counsel has been appointed; and he may likewise retain special counsel to advise or represent the village on special matters or to assist the corporation counsel.

(c) *Suits and actions.* The corporation counsel shall prosecute or defend any and all suits or actions at law or equity to which the village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the village on behalf of the village or in the capacity of such person as an officer of the village.

(d) *Judgments.* It shall be the duty of the corporation counsel to see to the full enforcement of all judgments or decrees entered or rendered in favor of the village, and of all similar interlocutory orders.

(e) *Advice.* The corporation counsel shall be the legal advisor of the village and shall render advice on all legal questions affecting it, when requested so to do by any village official. Upon request by the president of the board, he shall reduce such opinion to writing.

(f) *Special assessments.* It shall be the duty of the corporation counsel to see to the completion of all special assessment proceedings and condemnation proceedings.
(Code 1981, §§ 4-5-1—4-5-6)

Sec. 2-91. Zoning officer.

(a) *Office established.* There is created the office of zoning officer who shall be appointed by the president, with the advice and consent of the board of trustees.

(b) *Duties.* It shall be the duty of the zoning officer to enforce all the provisions of the zoning ordinance and amendments thereto. He shall perform such additional duties as may be assigned to him by the president and board of trustees.

(c) *Powers.* The zoning officer shall have the powers and exercise the functions necessary for such enforcement which are delegated to him by statute or ordinance.
(Code 1981, §§ 4-3-1—4-3-3)

Sec. 2-92. Superintendent of public works.

(a) *Office created.* There is created the position of public works superintendent. The public works superintendent shall be appointed by the president, with the advice and consent of the board of trustees and shall serve until his successor is qualified, as provided by state law.

(b) *Streets*. The public works superintendent shall have charge of the construction and care of all public streets, alleys and driveways in the village, and with keeping of the same clean. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

(c) *Waterworks*. The public works superintendent shall have charge of the operation and maintenance of the municipal water distribution system and sewer treatment system.

(d) *Buildings*. The public works superintendent shall have charge of the maintenance and repair of all village-owned buildings.

(e) *Employees*. All officers or employees assigned to the public works department shall perform their duties subject to the orders and under the supervision of the public works superintendent.

(f) *Other physical property*. All physical property of the village which is not assigned by the board to some other officer or employee shall be in the care and custody of the public works superintendent.

(Code 1981, §§ 4-1-1—4-1-6)

Secs. 2-93—2-112. Reserved.

DIVISION 3. TRAVEL EXPENSE REIMBURSEMENT

Sec. 2-113. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

Public business means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the village to carry out the responsibilities of village business.

Travel means any expenditure directly incident to official travel by employees and officers of the village or by wards or charges of the village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(Ord. No. 837, § 2, 12-20-2016)

Sec. 2-114. Categories of reimbursable expenses.

The village shall reimburse only the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

- (1) Mileage: reimbursement will be consistent with state yearly standards.

- (2) Meal per diem: reimbursement will be up to \$38.00 per day.
 - (3) Lodging: reimbursement for lodging up to \$100.00 per night, excluding out-of-state travel.
- (Ord. No. 837, § 3, 12-20-2016)

Sec. 2-115. Submission of reimbursement form required.

No reimbursement of travel, meal or lodging expenses incurred by a village employee or officer shall be authorized unless the travel, meal, and lodging expense reimbursement request form (approved by the village board and on file in the office of the clerk) has been submitted and approved. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act, 5 ILCS 140/1 et seq.

(Ord. No. 837, § 4, 12-20-2016)

Sec. 2-116. Reimbursement above established maximum requires approval; exception.

Expenses for travel, meals, and lodging of an officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under section 2-114 or a member of the corporate authorities of the village may only be approved by roll call vote at an open meeting of the corporate authorities of the village. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth in section 2-114.

(Ord. No. 837, § 5, 12-20-2016)

Sec. 2-117. Expenses excluded from reimbursement.

The village shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this division. Alcohol is specifically excluded from reimbursement.

(Ord. No. 837, § 6, 12-20-2016)

Secs. 2-118—2-147. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND SIMILAR BODIES

Sec. 2-148. Board of local improvements.

The village has established a board of local improvements for the village, which consists of the president of the village, who shall be the president of the board of local improvements, and all of the members of the board of trustees of the village. The president, with the approval of the members of the board of local improvements, shall appoint a member of the

board to serve as clerk. The board of local improvements shall have the powers and perform the duties assigned to it by statute or provision of this Code and shall have the power of employing the services of an engineer for any local improvement originated by it.
(Code 1981, §§ 5-1-1, 5-1-2)

Secs. 2-149—2-179. Reserved.

ARTICLE V. FINANCE

DIVISION 1. GENERALLY

Sec. 2-180. Bills; payroll; payment by treasurer.

All bills payable by the village, other than for the payment of salaries established by the president and board of trustees, shall be submitted to the president and board of trustees for approval before payment. The treasurer shall pay out money in payment of all bills, or for salaries, or for any other purpose other than the retirement of principal or interest on bonds or tax anticipation warrants only upon warrant signed by the president and the clerk as provided by state law. Such warrants shall designate the items to be paid and the funds from which they are to be paid.

(Code 1981, §§ 7-7-3, 7-7-4)

Sec. 2-181. Surety bonds.

(a) When a surety bond to indemnify the village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in the state as a surety company, in the absence of a specific provision to the contrary by ordinance.

(b) When in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the village against loss or liability because of the insolvency of the existing surety or for any other reason, the president and board of trustees may order a new surety to be secured for such bond. If such new surety is not procured within ten days from the time such order is transmitted to the principal of the bond, or his assignee, the president and board of trustees shall declare the bond to be void, and thereupon such principal or assignee shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

(Code 1981, § 7-7-7)

Secs. 2-182—2-200. Reserved.

DIVISION 2. PUBLIC CONTRACTS

Sec. 2-201. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contract means any contract, purchase order, lease or other agreement or understanding, written or otherwise, between the village or any agent thereof for the procurement of any thing or service of value, such as, for example, real or personal property, equipment, merchandise, goods, materials, labor or services for or by the village and any loan or grant by the village from which such a contract, purchase order, lease or other agreement or understanding may be financed in whole or in part.

Subcontract means any agreement, arrangement or understanding, written or otherwise, between a contractor and another person or entity (in which the parties do not stand in the relationship of any employer and an employee) for the furnishing of supplies or services or for the use of real or personal property, including the lease arrangements, which, in whole or in part, is utilized in the performance of any one or more contract or under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken or assumed.

(Code 1981, §§ 7-1-4, 7-1-5)

Sec. 2-202. Authority to enter into contracts; authorized signatories.

The president, or any other person designated by the village board, may sign on behalf of the village any contract authorized by the village board. No contract may be entered into without the authority of the president and board of trustees.

(Code 1981, § 7-7-5)

Sec. 2-203. Equal employment opportunity statement to be included in all public contracts.

(a) All village officers and persons authorized, or who may be authorized, to enter into public contracts for the village are directed to include the following equal employment opportunity clause, either verbatim or by reference, in any public contract entered into by the village:

"Equal employment opportunity

In the event of the contractor's noncompliance with any provisions of this equal employment opportunity clause, the Illinois Fair Employment Practices Act or the fair employment practices commission's rules and regulations for public contracts, the contractor may be declared nonresponsible and therefore ineligible for future contracts or subcontracts with the state or any of its political subdivisions or municipal corporations,

and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by state law or regulation. During the performance of this contract, the contractor agrees as follows:

- (A) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry; and further, that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.
- (B) That, if it hires additional employees in order to perform this contract, or any portion hereof, it will determine the availability (in accordance with the commission's rules and regulations for public contracts) of minorities and women in the areas from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
- (C) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, national origin or ancestry.
- (D) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Fair Employment Practices Act and the commission's rules and regulations for public contracts. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and rules and regulations, the contractor will promptly so notify the state fair employment practices commission and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
- (E) That it will submit reports as required by the state fair employment practices commission's rules and regulations for public contracts, furnish all relevant information as may from time to time be requested by the commission or the contracting agency, and in all respects comply with the Illinois Fair Employment Practices Act and the commission's rules and regulations for public contracts.
- (F) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency, and the state fair employment practices commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the commission's rules and regulations for public contracts.
- (G) That it will include verbatim or by reference the provisions of subsections (A) through (G) of this clause in every performance subcontract as defined in

section 2.10(b) of the commission's rules and regulations for public contracts so that such provisions will be binding upon every such subcontractor; and that it will also so include the provisions of subsections (A), (E), (F) and (G) of this clause in every supply subcontract as defined in section 2.10(a) of the commission's rules and regulations for public contracts so that such provisions will be binding upon every such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by all its subcontractors; and further, it will promptly notify the contracting agency and the state fair employment practices commission in the event any subcontractor fails or refuses to comply therewith. In addition, no contractor will utilize any subcontractor declared by the commission to be nonresponsible and therefore ineligible for contracts or subcontracts with the state or any of its political subdivisions or municipal corporations."

(b) Should any public contract entered into between the village and a contractor fail to have such provisions specifically incorporated into such contract either by having them set forth in full or having them incorporated by reference, such provisions shall nevertheless be deemed to be included within the contract by this division. Any person contracting with the village shall be deemed to have notice of this division and of its contents by virtue of the enactment and publication of the provisions of this division.

(Code 1981, §§ 7-1-1—7-1-3)

Sec. 2-204. Contracts over \$1,500.00; bids; awards.

(a) Except as otherwise provided, all contracts, of whatever character, pertaining to public improvement, or to the maintenance of the public property of the village involving an outlay of the current rate threshold pursuant to 65 ILCS 5/8-9-1 (\$25,000.00 as of November 1, 2023), shall be based upon specifications to be approved by the board of trustees. Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed \$25,000.00, shall be in accordance with the following:

- (1) By a contract with the lowest responsible bidder after advertising for bids, in the manner prescribed by ordinance, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of four of the six trustees elected; or
- (2) If authorized by a vote of four of the six trustees elected, the public works superintendent or other proper officers to be designated by ordinance shall cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon laborers and artisans whom the village shall pay by the day or hour, but all material of the value

of \$25,000.00 and upward used in the construction work or other public improvement shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by ordinance.

(b) Nothing contained in this section shall apply to any contract by the village with the federal government or any agency thereof.

(Code 1981, § 7-2-1; Ord. No. 849, exh. A, 5-15-2018)