

CHAPTER I

ADMINISTRATION

ARTICLE I - GENERAL PROVISIONS

DIVISION I -TITLE

1-1-1 TITLE. Upon the adoption by the Village Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official "Revised Code of Ordinances of the Village". The Revised Code of Ordinances shall be known and cited as the "Village Code", and it is hereby published by authority of the Village Board and shall be kept up-to-date as provided in Section 1-1-3 under the direction of the Village Clerk, acting for said Village Board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Village Code by title in any legal document.

1-1-2 ACCEPTANCE. This Village Code as hereby presented in printed form shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1-1-8.

1-1-3 AMENDMENTS. Any ordinance amending this Village Code shall set forth the article, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. Amendments by ordinance shall be inserted in the Village Code as provided in 1-1-4 herein.

1-1-4 CODE ALTERATION. It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted except when such change is made by Village ordinance.

It shall be the duty of the Village Clerk to maintain at least one official copy of this Village Code properly revised by inserting new amendments and revisions in their proper places in the Village Code and further identifying all insertions by the number of the ordinance making the change and the date it was passed by the Village Board of Trustees.

Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new amendments when such are delivered to him or made available to him through the office of the Village Clerk.

1-1-5 JURISDICTION. Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the Village to regulate such particular acts outside the corporate limits.

1-1-6 - 1-1-7 RESERVED

DIVISION II - SAVING CLAUSE

1-1-8 REPEAL OF GENERAL ORDINANCES. All general ordinances of the Village passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other ordinances granting special rights to persons or corporations; Contract Ordinances and Ordinances authorizing the execution of a contract or the issuance of warrants; Salary Ordinances; Ordinances establishing naming or vacating streets, alleys, or other public places, Improvement Ordinances; Bond Ordinances; Ordinances relating to Elections; Ordinances relating to the Transfer or Acceptance of Real Estate by or from the Village; all ordinances for the operation of the Village Water System including, but not limited to, establishment of Rules, rates, delinquent accounts and operating regulations for water system; Zoning ordinances; Subdivision ordinances; and all Special Ordinances.

1-1-9 PUBLIC UTILITY ORDINANCES. No ordinance relating to railroads or railroad crossings with streets and other public ways or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-1-10 COURT PROCEEDINGS. No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding,

so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the time of the adoption of this Code.

1-1-11 SEVERABILITY OF PROVISIONS. Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

1-1-12 VILLAGE CLERK'S CERTIFICATE. The Village Clerk's Certificate shall be substantially in the following form:

VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF CHRISTIAN
VILLAGE OF MT. AUBURN

VILLAGE CLERK'S OFFICE

I, _____, Village Clerk of the Village of Mt. Auburn, Illinois, do hereby certify that the following Revised Code of Ordinances known as the Village Code of the Village of Mt. Auburn, Illinois of 1988 published by authority of the Village Trustees were duly passed by the Village Trustees of the Village of Mt. Auburn, Illinois, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed and approved, and now of record and on file in my office as provided by law.

In Witness Whereof, I have set my hand and affixed the corporate seal of the Village of Mt. Auburn, Illinois, this _____ day of _____, 19____.

VILLAGE CLERK
VILLAGE OF MT. AUBURN, ILLINOIS

(SEAL)

DIVISION III - DEFINITIONS

1-1-13 CONSTRUCTION OF WORDS. Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code, by words importing the singular number only, or the masculine gender, several matters, parties or persons and females, as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-14 DEFINITIONS. Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT." The word "agent", as used in this Code shall mean a person acting on behalf of another.

"BOARD." The word "Board" unless otherwise indicated shall mean the Village Board of Trustees of the Village of Mt. Auburn.

"CODE." The word "Code" or "this Code" shall mean the Village Code of the Village of Mt. Auburn, Illinois.

"CORPORATE AUTHORITIES." The words "corporate authorities" shall mean the Mayor and the Village Board of Trustees.

"COUNTY." The word "County" shall mean the County of Christian.

"EMPLOYEES." The word "employees" shall mean the following: Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words "of the Village."

"FEE." The word "fee" or "fees" as used in this Code shall mean a sum of money charged by the Village for the carrying on of a business, profession or occupation.

"FISCAL YEAR." The "fiscal year" for the Village shall begin on May 1st of each year and end on April 30th of the following year.

"KNOWINGLY." The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

"LEGAL HOLIDAY." The words "legal holiday" shall mean the holidays as authorized and recognized by the Village Board in the employee agreement.

"LICENSE." The word "license" as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

"MAYOR." The word "Mayor" as used in this Code shall mean the Village President or President of the Village Board of Trustees.

"MISDEMEANOR." The word "misdemeanor" as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

"NEGLIGENT." The word "negligent" as well as "neglect," "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE." The word "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village, or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"OCCUPANT." The word "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"OFFENSE." The word "offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

"OFFICERS." Whenever reference is made in this Code to a Village Officer by title only, this shall be construed as though followed by the words "of the Village."

"OFFICIAL TIME." Central Standard Time shall be the official time for the transaction of the Village business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced one (1) hour. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed by this paragraph.

"OPERATOR." The word "operator" as used in this Code shall mean the person who is in charge of any operation, business or profession.

"OWNER." The word "owner" applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

"PERSON." The word "person" shall mean any natural individual, firm, trust, partnership, association or corporation in his or its own capacity or as administrator, conservator, executor, trustee, receiver or other representative appointed by the court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY." The term "personal property" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

"RETAILER." The word "retailer" as used in this Code, unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

"STATE." The word "State", unless otherwise indicated shall mean the State of Illinois.

"STREET." The word "street" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

"TENANT." The word "tenant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"VILLAGE." The word "Village" shall mean the Village of Mt. Auburn, Illinois.

"WHOLESALE." The word "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

"WILLFULLY." The word "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another or to acquire an advantage.

"WRITTEN" AND "IN WRITING." The terms "written" and "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-1-15 CATCHLINES. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines are amended or re-enacted.

1-1-16 - 1-1-19 RESERVED

DIVISION IV - GENERAL PENALTY

1-1-20 IMPOSITION OF PENALTY.

(A) Any person convicted of a violation of any section of this Code unless otherwise provided therein, shall be fined a minimum of Fifty Dollars (\$50.00) and a sum not to exceed Five Hundred Dollars (\$500.00) for any one (1) offense.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code, unless otherwise provided therein, shall be fined a minimum of Fifty Dollars (\$50.00) and a sum not to exceed Five Hundred Dollars (\$500.00) for any one (1) offense, but may not be confined, except by provisions of the Juvenile Court Act of the State of Illinois.

1-1-21 REVOCAION OF LICENSE. When a person is convicted of a violation of any section of this Code, any license previously issued to him by the Village may be revoked by the court or by the Village Board.

1-1-22 APPLICATION OF PENALTY.

(A) The penalty provided in this Chapter shall be applicable to every section of this Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the

same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-23 LIABILITY OF OFFICERS. The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

ARTICLE II - VILLAGE OFFICIALS

DIVISION I - VILLAGE BOARD OF TRUSTEES

1-2-1 COMPOSITION AND GENERAL POWERS. The Village Board shall consist of 6 Trustees, elected in conformity with this Code and state law governing elections in Villages and shall have such powers as are granted by Chapter 24, Illinois Revised Statutes, as amended. The term of office shall be for 4 years, or until their successors are elected and have qualified. (Ill. Rev. Stat., Ch. 24; Par. 3-4-7; composition of board; Par. 3-11-9)

1-2-2 COMPENSATION. Each Trustee shall receive a salary as provided in Article III of this Chapter. Each Trustee shall be entitled to reimbursement for actual expenses incurred by them in the performance of their duties.

1-2-3 REGULAR MEETINGS. The regular stated meetings of the Village Board shall be held in the Village Hall Building on the first Monday of each month at 7:00 PM. When the meeting date falls upon a legal holiday, the meeting shall be held on the following day at the same hour and place, unless otherwise designated. Adjourned meetings may be held at such times as may be determined by the Trustees. (Ill. Rev. Stat., Ch. 24; Par. 3-11-13 and Ch. 102; Par. 41, et seq.)

1-2-4 SPECIAL MEETINGS. Special meetings of the Village Board may be called by the Mayor or any three Trustees by giving at least 24 hours notice thereof by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Trustees. Such notices shall be served by mail, by the Chief of Police or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the Village Hall and shall be provided to any local

newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Said notice shall be given to the Mayor and members of the Village Board provided such news media has given the Village an address within the Village at which such notice may be given. (Ill. Rev. Stat., Ch. 24; Par. 3-11-13 and Ch. 102; Par. 42.02 and 42.03

1-2-5 VACANCY. When a vacancy occurs, if more than 28 months remain in the term and the vacancy occurs not less than 130 days before the next consolidated election, the office shall be filled for the unexpired portion of the term by special election at that consolidated election. During the period from the time that the vacancy occurs until the next election of Trustees, the vacancy may be filled by the appointment of a Trustee by the Mayor, with the advice and consent of the Village Board.

1-2-6 COMMITTEES. The following standing committees of the Village Board are hereby established, to-wit:

(A)

- | | |
|----------------------|---------------------|
| (1) Finance (Bills) | (5) Health & Safety |
| (2) Street and Alley | (6) Sidewalk |
| (3) Police | (7) Park |
| (4) Water | (8) Ordinance |

(B) The committees shall be appointed after each election by the Mayor.

(C) The Mayor shall be ex-officio chairman of each and every standing committee.

(D) The first named Trustee of each committee shall be the chairman.

E. So far as is practicable, reports of committees shall be in writing or on tape (recorded).

(F) As provided by law, any report of a committee of the Board shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any two Trustees present.

(G) Each standing committee of the Village Board shall ascertain the condition and needs of said department; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof may be had, and generally, shall do all legislative acts necessary to promote the efficiency of the Department.

1-2-7 SPECIAL COMMITTEES. Special Committees may be appointed by the Mayor as may be needed from time to time.

1-2-8 QUORUM. At all meetings of the Village Board, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Board, the Trustees may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings.

1-2-9 MEMBERS: NON-ATTENDANCE AT MEETINGS. Any member of the Village Board who shall neglect or refuse to attend more than one regular and/or special Village Board meeting without good and sufficient reason to be passed upon by the Board shall not receive compensation for more than one such absence per year.

1-2-10 - 1-2-11 RESERVED.

DIVISION II - RULES OF THE VILLAGE BOARD

1-2-12 RULES OF THE BOARD. The following rules of order and procedure shall govern the deliberations and meetings of the Village Board. (Ill. Rev. Stat., Chap. 24; Par. 3-11-11).

(A) Order of Business. The order of business shall be as follows:

1. Call to order by presiding officer.
2. Roll Call.
3. The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction and approval of the same unless dispensed with by the Village Board and correction of the journal of the proceedings of previous meetings.
4. Reports and communications from the Mayor and other Village Officers.
5. Reports of committees.
6. Unfinished business.
7. Miscellaneous business.

All questions relating to the priority of business shall be decided by the chair without debate, subject to appeal.

(B) Duties of Presiding Officer. The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Trustees, and shall decide all question of order, subject to appeal.

(C) Duties of Members. While the presiding officer is putting the question, no member shall walk across or out of the Board Chamber.

Every member, prior to his speaking, making a motion or seconding the same shall not proceed with his remarks until recognized and named by the Chair. He shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any other Trustee's argument or vote.

(D) Visitors. No person other than a member of the Board shall address that body on the same question unless such person has been recognized by the presiding officer.

(E) Presentation of New Business. When a Trustee wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the Clerk who shall read such matter when reached in its proper order.

(F). Debate. No Trustee shall speak more than once on the same question, except by consent of the presiding officer, or unless three-fourths (3/4) of the corporate authorities agree to one's right to debate should be limited to speak only once, and then not until every other Trustee desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration, as the case may be, shall have the right to open and close debate. (No Trustee shall speak longer than ten (10) minutes at any one (1) time, except by consent of the Village Board; and in closing debate on any question, as above provided, the speaker shall be limited to five (5) minutes, except by special consent of the Board.)

The Village Board, by motion, may limit debate. The presiding officer shall have the right to participate in debate.

While a member is speaking, no Trustee shall hold any private discussion, nor pass between the speaker and the Chair.

(G) Call of Trustees to Order. A Trustee, when called to order by the Chair, shall thereupon discontinue speaking and take his seat and the order or ruling of the chair shall be binding and conclusive, subject only to the right to appeal.

(H) Appeals from Decision of the Chair. Any Trustee may appeal to the Board from a ruling of the chair, and if the appeal is seconded, the trustee making the appeal may briefly state his reason for the same, and the chair may briefly explain his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The presiding officer shall have the right to participate in debate.

The Chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the Trustees present vote "No," the decision of the Chair shall be overruled, otherwise it shall be sustained.

(I) Question of Personal Privilege. The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned or impugned.

(J) Voting. Any member who shall be present when a question is stated from the chair shall vote thereon, unless excused by the Board, or unless he is personally interested in the question, in which case, he shall not vote.

(K) Special Order of Business. Any matter before the Village Board may be set down as a special order of business at a time certain if two-thirds (2/3) of the Trustees present vote in the affirmative, but not otherwise.

(L) Seconding of Motions Required; Written Motions. No motion shall be put or debated in the meeting or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Board, except motions of procedure shall be reduced to writing, if required by a member, and the proposer of the motion shall be entitled to the floor.

(M) Division of Questions. If any question under consideration contains several distinct propositions, the Trustees, by a majority vote of the Trustees present may divide such question.

(N) Record of Motions. In all cases where a resolution or motion is entered in the journal, the name of the Trustee moving the same shall be entered also.

(O) Announcement and Changes of Vote. The result of all votes by yeas and nays shall not be announced by the Clerk and no vote shall be changed after the tally list has passed from the hands of the Clerk.

(P) Precedence of Motions. When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

1. To adjourn to a day certain
2. To adjourn
3. To take a recess
4. To lay on the table.
5. The previous question.
6. To refer
7. To amend
8. To defer or postpone to a time certain
9. To defer or postpone (without reference to time)
10. To defer or postpone indefinitely

Numbers 2, 4 and 5 to be decided without debate.

(Q) Motions to Adjourn. A motion to adjourn the Village shall always be in order, except:

1. When a Trustee is in possession of the floor.
2. While the yeas and nays are being called.
3. When the members are voting.
4. When adjournment was the last preceding motion.
5. When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The Village Board may, at any time, adjourn over one or more regular meetings, on a vote of a majority of all the Trustees authorized by law to be elected.

(R) Previous Question. When the previous question is moved on the main question and seconded, it shall be put on this form: "Shall the main question now be put?" If such motion be carried, all further amendments and all further motions and debate shall be excluded, and the question put without delay upon the pending amendment in proper order and then upon the main question.

(S) Motions to Lay on the Table and to take from the Table. A motion simply to lay the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided two-thirds (2/3) of the Trustees vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

(T) Indefinite Postponement - Motion to Defer or Postpone Without Any Reference to Time. When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

A motion to defer or postpone without any reference to time shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

(U) Motion to Refer. A motion to refer to a standing

committee shall take precedence over a similar motion to refer to a special committee.

(V) Motion to Amend. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to "Strike Out and Insert," the paragraph to amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending questions may be referred to a committee and neither the main question nor such other pending question shall be affected thereby.

(W) Filling of Blanks. When a blank is to be filled, and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

(X) Motion to Substitute. A substitute for any original proposition under debate or for any pending amendment or such further amendment is admissible; and if accepted by the Trustees by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(Y) Reconsideration. A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration having been once made and decided in the negative shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by trustees who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is require by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

(Z) Adoption of Robert's "Rules of Order Revised." The rules of parliamentary practice comprised in the latest published edition of Robert's "Rules of Order Revised" shall govern the

Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Board.

(AA) Temporary Suspension of Rules - Amendment of Rules. These rules may be temporarily suspended by a vote of two-thirds (2/3) of the corporate authorities entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of two-thirds (2/3) of all the corporate authorities entitled by law to be elected.

(BB) Censure of Trustees - Expulsion of Trustees. Any Trustee acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Board, or who does not obey the order of the chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a two-thirds (2/3) vote of all Trustees elected.

(Ill. Rev. Stat. Ch. 24; Par. 3-11-11)

1-2-13 - 1-2-14 RESERVED.

DIVISION III - ORDINANCES

1-2-15 ORDINANCES.

(A) Attorney. It shall be the duty of the Village Attorney to prepare such ordinances as may be required by the Village Board.

(B) Introduced. When a bill for ordinance shall be introduced, it shall be read one time and referred to the proper committee, unless the Board shall otherwise specifically direct.

(C). Passage by Yeas and Nays - Record. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the Village, or for the expenditure or appropriation of its money, and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of a majority of all the members elected in the Village Board shall be necessary for the passage of any such ordinance or proposition; provided it shall require three-fourths (3/4) of the trustees to sell any village property.

(D). Approval and Veto. All ordinances passed by the Village Board shall, before they take effect, be approved by the Mayor, and if the Mayor approves thereof, he shall sign the same, and such as he shall not approve, he shall return to the Village Board with his objections thereto in writing at the next regular meeting of the Village Board occurring no less than five (5) days after the passage thereof. Such veto may extend to any one (1) or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the vote

only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the Mayor 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.

(E) Reconsideration - Passing Over Veto. Upon the return of any ordinance by the Mayor, the vote by which the same has passed shall be reconsidered by the Village Board, and if after such reconsideration, two-thirds (2/3) of all the members elected to the Village Board shall agree by yeas and nays to pass the same, it shall go into effect, notwithstanding the Mayor may refuse to approve thereof. The vote to pass the same over the Mayor's veto shall be taken by yeas and nays and entered in the Journal of Minutes.

(Ill. Rev. Stat., Ch. 24; Par. 3-11-18)

DIVISION IV - GENERAL PROVISIONS

1-2-16 Corporate Seal.

(A) The Corporate Seal of the Village shall be the same as that heretofore provided and used by the Village. It shall be circular in form with the words, "Corporate Village of the Town of Mt. Auburn" in the exterior circle and the word "Illinois" in the center. (Ill. Rev. Stat., Ch. 24; Par. 2-2-12)

(B) The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the Village and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the Village Clerk who shall be the legal custodian. (Ill. Rev. Stat., Ch. 24; Par. 3-10-7).

1-2-17 ELECTIONS.

(A) Election Procedure. The provisions of the Illinois Revised Statutes, Chapter 24, Section 3-2-1, et seq., and Chapter 46 concerning municipal elections shall govern the conduct of the Village elections.

(B) Inauguration. The inauguration of newly elected Village officials shall occur at the first regular or special meeting of the Village Board in the month of May following the consolidated election in April.

1-2-18 MUNICIPAL OFFICERS - REGULATIONS.

(A) Effect. The provisions of this division shall apply alike to all officers and employees of the Village, regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.

(B) Bond. Every officer and employee shall, if required by the Village Board upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Board, conditioned upon the faithful performance of the duties of his office or position.

(C) Appointment. At the first meeting of May in each year, or as soon thereafter as possible, there shall be appointed by the Mayor, with the advice and consent of the Village Board, all appointive Village Officers who shall hold their several offices for the term of one year and until their successors are appointed and qualified. (Ill. Rev. Stat., Ch. 24; Par. 3-7-2)

NOTE: Unless a specific ordinance creates the office, the person filling the position is not an officer, but an employee and is governed by a different set of rules. Elected municipal officials cannot hold any other office in the municipality while holding their elective office.

(Ill. Rev. Stat., Ch. 24; Par. 3-4-3 and 3-4-15; Ch. 102; Par. 2)

(D) Offices Vacated by Removal. Any officer of the municipality who leaves the municipality with the intention of permanently residing outside the limits thereof shall be deemed to have vacated his office.

(E) Leaves of Absence. Any officer desiring to be temporarily absent from the municipality shall apply to the Mayor for a leave of absence which may, in the discretion of the Mayor, be granted in writing for any time, and when granted, shall be filed with the Clerk.

(F) Books Delivered to Successor. Every officer shall upon going out of office, deliver to his successor, all books, papers, furniture and other things appertaining to such office, and which are the property of the Village. Within five (5) days after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of Section 1-1-20 of this Code.

(Ill. Rev. Stat., Ch. 24; Par. 3-14-2)

(G) Books Open to Inspection. Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the Mayor, or any committee or member of the Board.

(H) Report of Fee. All officers of the Village entitled to receive fees shall keep a correct account thereof and make a

report thereof, under oath, to the Village Board prior to the regular meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the Village Treasury.

(I) Other Rules and regulations. Every officer of the Village shall perform such other duties and be subject to such other rules and regulations as the Board may provide by law.

(J) Conservators of Peace. The Mayor, Trustees and policemen are designated as conservators of the peace, with power to make arrests as provided by law. (Ill. Rev. Stat., Ch. 24; Par. 3-9-4)

(K) Oath Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed, shall take and subscribe to the following oath:

"I, _____, do solemnly swear that I will support the constitution of the United States and the constitution of the State of Illinois and that I will faithfully discharge the duties of the office of _____, according to the best of my ability."

(Ill. Rev. Stat., Ch. 24; Par. 3-14-3)

(See Section 1-2-54, "Administration of Oaths")

1-2-19 RESIDENCY REQUIREMENTS. No person shall be eligible to any municipal office unless he is a qualified elector of the municipality and has resided therein at least one year next preceding his election or appointment. However, these requirements shall not apply to the municipal engineer, municipal attorney, police officer, or other offices who require technical training or knowledge. However, no person shall be eligible to any municipal office who is a defaulter to the municipality. (Ill. Rev. Stat., Ch. 24; Par. 3-14-1)

1-2-20 BONDS OF VILLAGE OFFICERS.

(A) Amount. Bonds of Village officers required under Illinois Revised Statutes, Chapter 24, Section 3-14-3 shall be executed in the following penal sums:

Mayor	\$20,000.00
Village Clerk	\$20,000.00
Village Treasurer	\$20,000.00

(B) Premium Payment by Village. The surety bonds required by law shall be paid by the Village. (Ill. Rev. Stat., Ch. 103; Par. 16.)

(C) Surety. The Village Board shall not receive or approve any bond or security whereon the name of the Village Board, any one of the Trustees or any elected or appointed officer of the Village appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the Village Board or if any bondsman, after becoming such is elected or appointed to any Village office, this section shall not act as a release of any such obligation incurred.

1-2-21 VILLAGE OFFICES CONSOLIDATED.

(A) The Village Board may, from time to time by law, impose upon any officer filling any office created by the ordinances of the Village, any such other or further duties as shall be consistent with the laws of this state, and may consolidate any two or more of the offices and impose the duties thereof upon any other officer and may make any such regulations respecting such offices as shall be consistent with the laws of this state.

(B) In case the Village Board consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he would not have been entitled to receive if such consolidation had not taken place.

1-2-22 CONTRACTS.

(A) All contracts for purchases by the Village shall be in compliance with the statutes of the State of Illinois.

(B) Any work or 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 Four Thousand Dollars (\$4,000.00), shall be constructed either:

(1) By a contract let to the lowest responsible bidder after advertising for bids in the manner prescribed by ordinance and statutes, except that any such contract may be entered into by the proper officers without advertising for bids if authorized by a vote of two-thirds (2/3) of all trustees then holding office;

(2) If authorized by a vote of two-thirds (2/3) of all the Trustees or Board members then holding office, the Superintendent shall supervise and 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 therein, laborers or artisans whom the municipality shall pay by the day or hour; and all material of the value of Four Thousand Dollars (\$4,000.00) and upward used in the construction of the work or the public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed by the Code of the Village. However, nothing contained in this Chapter shall apply to any contract with the Village with the Federal

Government or agents thereof.

(C) Definition. The lowest responsible bidder does not mean the lowest bidder financially only, but shall mean the bidder who, by experience and other qualifications is deemed most capable of performing the work required in a satisfactory manner. (Ill. Rev. Stat. Ch. 24; 8-9-1 and 8-9-2)

1-2-23 SALARIES REGULATION.

(A) Elected. No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) Appointed. No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased. (Ill. Rev. Stat. Ch. 24; 3-13-1, et seq.)

1-2-24 CLAIMS

(A) Presentation. All claims against the Village for goods purchased, damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance must be presented on or before the 25th day of each month to the Village Clerk. All such claims must be in writing and items shall be specified.

(B) Exception. This does not prohibit the Village Board from passing on any claims not previously presented to the Village Clerk if, in the opinion of the Board, justice to the claimant requires it.

1-2-25 FISCAL YEAR. The fiscal year of the Village shall begin on May 1st and end on the following April 30th. (Ill. Rev. Stat., Ch. 24; 1-1-2 (5)).

1-2-26 MUNICIPAL YEAR. The municipal year shall commence on May 1st and shall end on the following April 30th. No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

1-2-27 EXPENSES - REIMBURSEMENT. Any municipal officer or employee is entitled to reimbursement for any reasonable actual expenses incurred by him in the performance of his duties. (Ill. Rev. Stat., Ch. 24; 3-13-5 and 3-13-7).

1-2-28 VILLAGE RECORDS. All official records, including the Village Seal shall be kept in the Village Hall.

1-2-29 PECUNIARY INTERESTS IN CONTRACTS PROHIBITION. No municipal officer shall be interested, directly or indirectly, in

any contract, work, or business which: (1) belongs to the municipality; or (2) is sold for taxes or assessments; or (3) is sold by virtue of legal process at the suit of the municipality.

DIVISION V - MAYOR-

1-2-30 ELECTION. The Mayor shall be elected for a four (4) year term and shall serve until his successor is elected and has qualified. (Ill. Rev. Stat., Ch. 24; 3-5-1)

1-2-31 VACANCY. If a vacancy occurs in the office of the Mayor and there remains an unexpired portion of the term of at least twenty-eight (28) months and the vacancy occurs at least one hundred thirty (130) days before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The Village Board shall elect one of its members "Acting Mayor" who shall perform the duties and possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified. (Ill. Rev. Stat., Ch. 24; 3-4-6).

1-2-32 SUPERVISORY POWERS. The Mayor shall be the chief executive officer of the Village, shall preside over the meetings of the Board, and shall perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and employees of the Village and shall have the power and authority to inspect all books and records pertaining to Village affairs and kept by any officer or employee of the Village at any reasonable time. (Ill. Rev. Stat., Ch. 24; 3-11-6 and 3-11-3)

1-2-33 APPOINTMENT OF OFFICERS. At the first annual meeting in May, the Mayor shall appoint, by and with the advice and consent of the Village Board, all officers of the Village whose election or appointment is not otherwise provided for, and said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality. (Ill. Rev. Stat., Ch. 24; 3-7-2, 3-13-10 and 3-14-2)

1-2-34 REMOVAL OF OFFICERS. The Mayor shall have the power to remove any officer appointed by him 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 (5) days, nor more than ten (10) days after such removal. If the Mayor

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 (2/3) 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. No officer shall be removed a second time for the same offense (Ill. Rev. Stat., Ch. 24; 3-11-1 and 3-12-2)

1-2-35 DESIGNATION OF OFFICERS DUTIES. Whenever there is a dispute as to the respective duties or powers of any appointed officer of the Village, this dispute shall be settled by the Mayor, after consultation with the Village Attorney; and the Mayor shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty.

1-2-36 MAYOR PRO-TEM. During a temporary absence or disability of the Mayor which incapacitates him from the performance of his duties, but does not create a vacancy in the office, the Mayor shall appoint, and if he cannot, the Trustees shall appoint one of its members to act as Mayor Pro-Tem. The Mayor Pro-Tem, during this absence or disability shall perform his duties and possess all the rights and powers of the Mayor. The Mayor may appoint an officer to administer the affairs of the Village with the advice and consent of the Village Board whenever the Village Board considers it necessary and expedient.

1-2-37 SIGNATURE. The Mayor shall sign all Village warrants, commission, 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 his official signature.

1-2-38 FORMAL OCCASIONS. The Mayor shall act for and on behalf of the Village on formal occasions and receptions, but in his absence or inability to attend any such function, the Mayor may select any other Village officer to so act.

1-2-39 GENERAL DUTIES. The Mayor shall perform all the duties which are prescribed by law, and shall take care that the laws and ordinances are faithfully executed. (Ill. Rev. Stat., Ch. 24, 3-11-4 and 3-11-6)

1-2-40 RELEASE OF PRISONERS. The Mayor may release any person imprisoned for violation of any Village ordinance and shall report the release with reasons therefor to the Trustees at their first meeting thereafter. (Ill. Rev. Stat., Ch. 24; 3-11-2)

1-2-41 BUSINESS LICENSE COMMISSIONER. The Mayor is hereby designated as License Commissioner to issue and revoke any and all

business licenses as prescribed by law, with the advice and consent of the Village Board.

1-2-42 LIQUOR COMMISSIONER. The Mayor is hereby designated as Liquor Commissioner. (Ill. Rev. Stat. Ch. 32, 111)

1-2-43 DECIDING VOTE - MAYOR. The Mayor shall preside at all meetings of the Village Board. He shall not vote on any ordinance, resolution or motion, except: (1) where the vote of the Trustees has resulted in a tie; or (2) where one-half of the Trustees elected have voted in favor of an ordinance, resolution or motion even though there is no tie; or (3) where a vote greater than a majority of the corporate authorities is required by the Illinois Revised Statutes to adopt an ordinance, resolution or motion. In each instance specified, the Mayor shall vote. Nothing in this section shall deprive an Acting Mayor or Mayor Pro-Tem from voting in his capacity as Trustee, but he shall not be entitled to another vote in his capacity as Acting Mayor or Mayor Pro-Tem. (Ill. Rev. Stat., Ch. 24, 3-11-14 and 3-11-17)

1-2-44 - 1-2 -47 RESERVED.

DIVISION VI - VILLAGE CLERK

1-2-48 ELECTED. The Village Clerk shall be elected at the same election as the Mayor for a four (4) year term and shall serve until his successor is elected and has qualified.

1-2-49 BOARD MINUTES - RECORDS The Village Clerk shall attend all meetings of the Village Board and shall keep in a suitable book to be styled, "The Journal of the Village Board", a full and faithful record of its proceedings. The Village Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the Village Board, and at the foot of the record of each ordinance so recorded, he shall make a memorandum of the date of the passage, and when published, a memorandum of the publication of such ordinance. He shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded, when the same was entered of record and the book and pages where recorded. (Ill. Rev. Stat., Ch. 24; 3-10-7)

1-2-50 DELIVERY OF PAPERS TO OFFICERS. The Clerk shall deliver to the several committees of the Village Board, and to the officers of this Village, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Board on demand therefor. He shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. (Ill. Rev. Stat., Ch. 24; 3-10-8)

1-2-51 PREPARATION OF DOCUMENTS - COMMISSIONS AND LICENSES. The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this Code and shall attest the same with the corporate seal, and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this Village.

1-2-52 REPORT OF LICENSES. The Clerk shall report to the Village Board at its regular meeting each month and oftener if the Board so requires the data contained in his license register with respect to licenses issued during the previous month.

1-2-53 LICENSE PLATES. In all cases where the Village requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain from the Clerk, plates, tags or stickers, it shall be the duty of the Clerk to deliver such plates, tags or stickers to the person paying the license fee.

1-2-54 ADMINISTRATION OF OATHS. The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. (Ill. Rev. Stat., Ch. 24; 3-9-3)

1-2-55 OUTSTANDING BONDS. The Clerk shall keep in his office in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the village, showing the number and amount of each, for and to whom the bonds are issued; and when the Village bonds are issued or purchased or paid or cancelled, the book or books shall show the fact; (and in his annual report, the Clerk shall describe particularly the bonds sold during the year and the terms of sale, with each and every item of expense thereof). (Ill. Rev. Stat. Ch. 24, 3-11-23).

1-2-56 REPORTS. The Clerk shall, on or before the first (1st) meeting in each month, make out and submit to the Village Board a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from or what sources and on what account moneys were received, and for what purposes and on what account the warrants were drawn or paid.

1-2-57 SUCCESSOR. The Village Clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the Village or pertaining to his office, and not in actual use and possession of other Village officers; and upon the expiration of his official term, he shall deliver all such books, records, papers and effects to his successor in office.

1-2-58 PAYROLL. The Clerk shall prepare the Village payroll for all persons who come under appropriations for salaries.

1-2-59 WARRANT REGISTER. The Clerk shall keep an accurate register of warrants drawn upon the Treasury, specifying the date, to whom payable, the amount, and the particular fund or appropriation to which the same is chargeable. (Ill. Rev. Stat. Ch. 24; 8-1-8)

1-2-60 FINANCE COMMITTEE. The Clerk shall, under the direction of the Committee on Finance, open and keep a complete set of books, in which, among other things, shall be set forth the appropriations of the fiscal year for which each distinct object and branch of expenditures, and also the receipts from each and every source of revenue so far as he can ascertain the same.

1-2-61 SUBMIT APPROPRIATION TO VILLAGE BOARD. The Clerk shall, on or before the fifteenth (15th) day of May in each year, and before the annual appropriations to be made by the Village Board, submit to the Village Board a report of his estimates as nearly as may be, of monies necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, he is hereby authorized to require of all officers, their statement of the condition and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report, he shall give such other information to the Village Board as he may deem necessary to the end that the Village Board may fully understand the money exigencies and demands upon the corporation for the current year.

1-2-62 NOTIFICATION TO PERSONS ELECTED OR APPOINTED. The Clerk, within five (5) days after the result of an election is declared or an appointment is made, shall notify all persons elected or appointed to office of their election or appointment. The office becomes vacant unless the person elected or appointed qualifies within 10 days after such notice. (Ill. Rev. Stat., Ch. 24; 3-2-6)

1-2-63 OTHER DUTIES. In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the Village Board.

1-2-64 - 1-2-70 RESERVED.

DIVISION VII - VILLAGE TREASURER

1-2-71 ESTABLISHED. There is hereby established a department of the municipal government of the Village which shall be known as the Finance Department. It shall embrace the Committee on Finance of the Village Board and the Village Treasurer.

1-2-72 FINANCE COMMITTEE. The standing committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

1-2-73 APPOINTED. The Treasurer shall be appointed by the Mayor for a one year term on the first day of May of each year with the advice and consent of the Village Board. He shall serve until his successor is appointed and has qualified.

1-2-74 MONEY, WARRANTS; ACCOUNTS; PAYMENTS. The Village Treasurer shall receive all moneys belonging to this Village and shall pay all warrants signed by the Mayor and countersigned by the Village Clerk and not otherwise, and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He shall give to every person paying money into the Village Treasury a receipt therefor specifying the date of payment, and upon what account paid, and he shall file copies of such receipts with the Clerk with his monthly reports.

1-2-75 WARRANT REGISTER. The Treasurer shall keep a register of all warrants redeemed and paid by him, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and when paid, and he shall cancel all warrants as soon as redeemed by him. (Ill. Rev. Stat., Ch. 24; 8-1-8 and 8-1-9)

1-2-76 SEPARATION OF FUNDS. The Treasurer shall keep all moneys in his hands belonging to this Village separate and distinct from his own money, and he shall not use, either directly or indirectly, the Village moneys or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this section shall subject him to removal from office by the Village Board. (Ill. Rev. Stat., Ch. 24; 3-10-4)

1-2-77 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 10% 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 one and one-half times the largest amount which the Board estimates will be in his custody at any one time, nor less than three times the number of residents of the Village, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute.

1-2-78 SPECIAL ASSESSMENTS. The Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto.

1-2-79 BOOKKEEPING. The Treasurer shall keep his books and accounts in such a manner as to show with accuracy, all moneys received and disbursed by him for the Village, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor or the Finance Committee of the Board.

1-2-80 STATEMENTS. The Treasurer shall report to the corporate authorities at the regular monthly meeting, a full and detailed account of all receipts and expenditures of the municipality, as shown by his books up to the time of the report. (Ill. Rev. Stat., Ch. 24; 3-10-15)

1-2-81 YEAR-END REPORT. The Treasurer shall, annually, at the close of the fiscal year, make out and file with the Village Clerk a full and detailed report of all the receipts and expenditures of the corporation as shown by his books and of his transactions as such Treasurer, during the preceding fiscal year, and he shall show in such report the state of the Village Treasury at the close of the year, which report the Village Clerk shall publish as required by law. (Ill. Rev. Stat., Ch. 24; 3-10-2 through 3-10-6)

1-2-82 DEPOSIT OF FUNDS.

(A) Designation by Board. The Treasurer is hereby required to keep all funds and moneys in his custody belonging to the Village in such places of deposit as have been designated by Section 1-2-83. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the Village in the custody of the Treasurer. When a bank has been designated as a depository, it shall continue as such depository until 10 days have elapsed after a new depository is designated and has qualified as provided by law. When a new depository is designated, the corporate authorities shall notify the sureties of the treasury of that fact in writing at least 5 days before the transfer of funds.

(B) Qualifications of Bank. No bank shall be qualified to receive Village funds or moneys until it has furnished the corporate authorities with copies of the last two sworn statements of resources and liabilities which the bank is required to furnish to the auditor of public accounts or to the comptroller of currency. Each bank designated as a depository for such funds or moneys shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the auditor of public accounts or to the comptroller of currency.

(C) Discharge from Liability. The Treasurer shall be discharged from liability for all funds or moneys which he deposits in a designated bank while the funds and moneys are so deposited. If the Village funds or moneys are deposited in a designated bank, however, the amount of such deposits shall not exceed 75% of the bank's capital stock and surplus, and the Treasurer shall be responsible for funds or moneys deposited in the bank in excess of this limitation.

1-2-83 INVESTMENTS. The Village Treasurer is hereby authorized to invest surplus funds or reserve funds of the Village in the following types of investments:

(A) General Obligation Securities of the United States of America or of the State of Illinois.

(B) Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company.

(C) Short term discount obligations of the Federal National Mortgage Association.

(D) Money Market Accounts.

(E) The First National Bank of Mt. Auburn is herewith designated as the place of deposit where the Treasurer of the Village is required to keep all funds and moneys in his custody belonging to this municipality.

1-2-84 - 1-2-85 RESERVED.

DIVISION VIII - JUDICIARY

1-2-86 SERVICES OF ATTORNEY. The Village Attorney shall have full charge of the law affairs of the Village.

1-2-87 APPOINTMENT OF ATTORNEY. The Attorney shall be appointed by the Mayor, by and with the approval of the Village Board for the term of one year, unless sooner removed for cause, and until his successor shall have been appointed and qualified.

The Attorney shall have full charge of the law affairs of the Village and shall be known as the Village Attorney of this Village and receive an annual salary as determined by the appropriation ordinance, compensation for office services and advice, and shall receive reasonable fees for other services rendered when, in his judgment, or in the judgment of the Mayor or Village Board, the same are necessary or for the best interests of the Village. (Ill. Rev. Stat., Ch. 24; 3-7-3)

1-2-88 DUTIES.

(A) Prosecute for Village. The Village Attorney shall prosecute or defend on behalf of the Village in all cases in which the interests of the corporation or any officer thereof are involved; and the Village Clerk shall furnish him with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

(B) Preparation of Ordinances. He shall, when required, advise the Village Board or any officer in all matters of law in which the interests of the corporation are involved, and he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Mayor, the Village Board, or any committee thereof.

(C) Judgments. He shall direct executions to be issued upon all judgments recovered in favor of the village and he shall direct their prompt service. He shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the Village therefor.

(D) Commissions. The Village Attorney shall act as the legal advisor for the Zoning Board of Appeals and the Plan Commission and he shall perform the legal services required of said Commissions.

(E) Violations of Ordinances. He shall institute and prosecute an action in every case of violation of a Village ordinance, when instructed to do so by the Mayor, Village Board or any committee thereof.

(F) Prosecution of Suits. He shall not be required to prosecute any suit or action arising under the ordinances of the Village when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable. (Ill. Rev. Stat., Ch. 24; 3-7-3)

(G) Collection of Taxes. He is hereby authorized and instructed to enforce the collection of any and all taxes and

special assessments in the collection of which the Village is interested and to attend all sales of real or personal property made to enforce the collection of such taxes or special assessments and to bid thereat in behalf of the Village.

1-2-89 PROSECUTORS FEE.

(A) For each complaint that is prosecuted on behalf of the Village to enforce the provisions of general ordinances of the Village, and also enforce provisions of state statutes, statutes affecting the affairs of the Village, there shall be added as costs to be assessed against the defendant in each case, the sum of \$25.00 to be known as the Village Prosecutor's Fee.

(B) Upon said defendant being found guilty of the charges as set up in the complaint that is filed on behalf of the Village in any of the two above named situations, it shall be the duty of the Court before whom such matter is heard to assess a Village Prosecutor's Fee in the sum of \$25.00, which shall be paid directly to the Prosecutor by the Clerk of the Circuit Court, and that the fine or penalty as assessed by the Court for the violation of the complaint shall be paid to the Village Clerk of the Village.

1-2-90 - 1-2-91 RESERVED

ARTICLE III - SALARIES

A. MAYOR: Commencing with the term of office of the Mayor to be elected in 1985, the Mayor shall receive as salary the sum of Forty-Five Dollars (\$45.00 per month.

B. VILLAGE CLERK: Commencing with the term of office of the Village Clerk to be elected in 1981, the Village Clerk shall receive as salary the sum of Sixty Dollars (\$60.00) per month.

C. VILLAGE TRUSTEES: Commencing with the terms of office of each Village Trustee to be elected in 1985, each of such Trustees to be elected in 1985 shall receive as salary the sum of \$30.00 per month.

D. SPECIAL MEETING: The Mayor, Clerk and Trustees shall receive an additional five dollars for each special meeting they attend.