

Chapter 55

OFFICERS AND EMPLOYEES

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

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

§ 55-1. Officer named.

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

§ 55-2. Vacancies.

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

§ 55-3. Oath, bonds; who may administer.

A. Oath.

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

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois and that I will faithfully discharge the duties of _____ according to the best of my ability.

- (2) Which oath or affirmation so subscribed to shall be filed with the Village Clerk. The President and Clerk shall have the power to administer oaths and affirmations upon all lawful occasions.
- B. All such officers, except the Trustees shall, before entering upon the duties of their respective offices, execute a bond, with security to be approved by the Board of Trustees, payable to the said Village, in such penal sum as is set forth by the State and Board of Trustees, conditioned for the faithful performance of the duties of the office, and the payment of all moneys received by such officer, according to the law and the ordinances of the Village.
- C. The following shall give bond in the following amounts: **[Amended 7-9-2007 by Ord. No. 070907V3]**
- (1) Village President: \$3,000.
 - (2) Village Clerk: \$16,000.
 - (3) Village Treasurer: \$6,000.
 - (4) Chief of Police: \$3,000.
 - (5) Deputy Clerk: \$16,000.

§ 55-4. Qualifications.

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

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

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

§ 55-6. Conservators of peace.

The Village President, Trustees and Chief of Police shall be conservators of the peace, and as such shall exercise the powers conferred upon them under the Statutes of the State of Illinois.

§ 55-7. Powers conferred upon state officers.

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

§ 55-8. Salaries.

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

ARTICLE II

Village President

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

§ 55-9. Qualifications.

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

§ 55-10. Vacancy; duties.

- A. Whenever a vacancy shall occur in the office of Village President, when the unexpired term shall be one year or more, from the date when the vacancy occurs, it shall be filled by special election. If the vacancy is less than one year, the Board of Trustees shall elect one of its own members to act as President until the next annual election, and until his successor is elected and qualified. If the President, at any time during his term of office, shall move from the limits of said Village, his office shall thereby become vacant.
- B. During a temporary absence or disability of the Village President, the Board shall elect one of its own members to act as President pro tem, who, during such absence or disability of the President, shall possess the power of the President.
- C. The President shall preside at all meetings of the Board, but shall not vote except in case of a tie, when he shall give the casting vote.
- D. The President shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the Village demand such removal, but he shall report the reasons for such removal to the Board of Trustees at a meeting thereof to be held not less than five days nor more than 10 days after such removal. If the President shall fall or refuse to file with the Village Clerk a statement of the reasons of the said removal, or if the Board by 2/3 vote of all its members authorized by law to be elected, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take new oath of office. No officer shall be removed a second time for the same offense.
- E. The President may release any person imprisoned for the violation of any Village ordinance, and shall report such release, with the cause thereof, to the Board at its first session thereafter.

- F. The President shall perform such duties as are or may be required by law or by the Village ordinances, and shall take care that the laws and ordinances are faithfully executed. He shall have the power at all times to examine and inspect books, records and papers of any agent, employee or officer of the Village.

§ 55-11. Veto of ordinances.

- A. All ordinances passed by the Board of Trustees, shall, before they take effect, be deposited with the Village Clerk, and if the Village President approves thereof, he shall sign the same, and such as he does not approve he shall return to the Board with his objections thereto in writing at the next regular meeting of the Board, occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto extends only to part of such ordinance, the residue thereof shall take effect and be in force, but in case the President shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly.
- B. Upon the return of any ordinance by the President, with his veto, the vote by which the same was passed shall be reconsidered by the Board, and if, after such reconsideration, 2/3 of all the members elected to the Board shall agree by yeas and nays, to pass the same, it shall go into effect, notwithstanding the President may refuse to approve the same.

ARTICLE III

Village Clerk

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

§ 55-12. Records of meetings.

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

§ 55-13. List of committees; signature.

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

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

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

§ 55-15. Collector duties.

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

ARTICLE IV

Village Collector

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

§ 55-16. Creation of office.

There is hereby created the Office of the Village Collector.

§ 55-17. Appointment.

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

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

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

§ 55-19. Duties.

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

§ 55-20. Reports.

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

ARTICLE V

Village Treasurer

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

§ 55-21. Duties.

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

§ 55-22. Clerk may serve.

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

ARTICLE VI

Animal Control Officer

[Adopted 4-9-1979 by Ord. No. 79-4-9A (Title 1, Ch. 2, Art. 8, of the 1993 Code)]

§ 55-23. Creation of position.

There is hereby created the position of Animal Control Officer who shall perform his duties under the supervision of the Chief of Police, and who shall be appointed by the President, and with the advice and consent of the Village Board, and he shall serve in such capacity for the term of one year and said term shall commence on March 15th and shall terminate on March 15th of the following year.

§ 55-24. Badge of office.

While on duty, the Animal Control Officer shall wear a star engraved "Animal Control Officer" as an emblem of his authority.

§ 55-25. Supervision of the animal shelter and other facilities.

The Animal Control Officer shall have the care, custody control and supervision of the animal shelter of the Village, if there is such an animal shelter, and of all dogs and cats confined and impounded therein, and shall have the care and custody and control of all trucks and other paraphernalia used by him or his assistants for the impounding of dogs and cats. In the event there is no such shelter, he shall have the duty of delivering such animals to such other place as the Village may provide for this purpose.

§ 55-26. Impoundment of animals.

- A. The Animal Control Officer shall Impound or cause to be impounded and shall dispose of according to the provisions of this Code, all animals running at large within the Village and shall keep a record of every animal so impounded, describing the kind of animal, the breed, color and sex, together with the time and place the animal was captured or received and the final disposition made of each animal, together with such other information as may come to his attention.
- B. The Animal Control Officer shall have the power to issue citations to persons in violation of any ordinance of the Village Code of the Village, controlling animals, and it shall be his duty to issue a citation for any offense which he has reasonable grounds to believe has been committed.

§ 55-27. Miscellaneous.

The Animal Control Officer shall perform his duties under the supervision of the Chief of Police, and for purposes of conforming to the Village personnel policy shall be classified as a nonsupervisory employee rather than a Village department head or Village officer.

ARTICLE VII
Maintenance and Utility Man
[Adopted 1-3-1955 by Ord. No. 54-8 (Title 1, Ch. 2, Art. 9, of the 1993 Code)]

§ 55-28. Appointment.

The Village President shall annually appoint a General Maintenance and Utility Man (full or part time) by and with the consent of the Board of Trustees. This appointment will be for the Village fiscal year unless his services are terminated. He shall attend Board meetings when requested to do so.

§ 55-29. General duties.

The General Maintenance and Utility man shall perform such duties as prescribed for him by this Code as well as other duties inherent to the job, and as set forth in the work agreement prescribed by the Village.

§ 55-30. Salary fixed by Board.

The salary of the General Maintenance and Utility man shall be fixed each year by order of the President and Board of Trustees, and shall be paid bi-weekly.

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

§ 55-31. Building Inspector ordinance.

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

§ 55-32. Powers.

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

§ 55-33. Duties.

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

§ 55-34. Term of office.

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

§ 55-35. Compensation.

The Building Inspector shall be paid such compensation as determined by the Board of Trustees, and shall be paid bi-weekly.

ARTICLE IX

Purchases; Prevailing Wages; Grievances

[Derived from Title 1, Ch. 2, Art. 11, of the 1993 Code]

§ 55-36. Purchased by employees.

- A. No employee of the Village shall incur any expense on behalf of the Village, nor make any purchases on behalf of the Village, unless such employee shall have first obtained the approval of the responsible Village official or a purchase order as supplied by the Village Clerk. [Amended 9-5-1967 by Ord. No. 67-9]
- B. For the purposes of this article, the responsible Village official shall be the Chairman of the committee having supervision over the employee incurring the expense, or if the Chairman is not available, then any member of the committee having supervision over the employee incurring the expense. If the Chairman of said committee is not available and if no committee member is available, then any member of the Board of Trustees shall have authority to approve the purchase order in accordance with this section.
- C. The purchase order shall designate the purpose for which the expense is to be made and shall list the items to be purchased. [Amended 9-5-1967 by Ord. No. 67-9]

§ 55-37. Public works construction; wages paid laborers. [Amended 7-10-1978 by Ord. No. PR-7-78; 6-5-2006 by Ord. No. 060506A]

- A. To the extent and as required by "An Act regulating wages of laborers, mechanics and other workmen employed in any public works by the state, county, city or any public body or any political subdivision or by anyone under contract for public works", approved June 26, 1941, as amended,¹ the general prevailing rate of wages in this locality for laborers, mechanics and other workmen engaged in the construction of public works coming under the jurisdiction of this Village is hereby ascertained to be the same as the prevailing rate of wages for construction work in Rock Island County area as determined by the Department of Labor of the State of Illinois as of June 21, 2006, a copy of that determination being attached hereto and incorporated herein by reference. The definition of any terms appearing in this section which are also used in the aforesaid Act shall be the same as in said Act.
- B. Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of this Village to the extent required by the aforesaid Act.
- C. The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of the Village this determination of such prevailing rate of wage.

1. Editor's Note: See the Prevailing Wage Act, 820 ILCS 130/1 et seq.

- D. The Village Clerk shall mail a copy of this determination to any employer and to any association of employees and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wages will be affected by such rates.
- E. The Village Clerk shall promptly file a certified copy of these provisions with both the Secretary of State and the Department of Labor of the State of Illinois.

§ 55-38. Grievance procedure for Village employees.

If an employee has a complaint or grievance that he or she wishes to express concerning Village Policy, orders or regulations, or disciplinary actions, the Village personnel manual shall be used.

ARTICLE X

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

§ 55-39. Election to participate.

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

§ 55-40. Standard for participation.

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

§ 55-41. Filing.

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

ARTICLE XI

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

§ 55-42. Prohibition.

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

§ 55-43. Definitions.

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

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

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

ARTICLE XII

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

§ 55-44. Adoption by reference.

The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5.

§ 55-45. Prohibited activities.

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

§ 55-46. Terms defined.

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

§ 55-47. Violations and penalties.

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 Act.

§ 55-48. Construal of provisions.

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 ELCS 430/70-5(a).

§ 55-49. Incorporation of amendments.

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

§ 55-50. Severability.

- A. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.
- B. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village."