

CHAPTER 30: VILLAGE BOARD OF TRUSTEES

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GENERAL PROVISIONS**§ 30.01 COMPOSITION.**

The Board of Trustees shall consist of the President and Trustees.
(ILCS Ch. 65, Act 5, § 3.1-45-5)

§ 30.02 TRUSTEES; ELECTION, TERM, AND VACANCIES.

(A) Except as provided in ILCS Ch. 65, Act 5, § 3.1-25-10, the electors of the village shall elect six Trustees. The term of office of the Trustees shall be four years and until their successors are elected and have qualified. Three Trustees shall be elected at the village election in each odd numbered year for a term of four years. (ILCS Ch. 65, Act 5, § 3.1-25-5)

(B) Whenever a vacancy in the office of a Trustee occurs during his/her term, the vacancy shall be filled for the remainder of the term at the next general village election as provided in ILCS Ch. 65, Act 5, § 3.1-10-50.

(C) The terms of elected municipal officers shall commence and the newly elected officers shall be inaugurated at the first regular or special meetings of the corporate authorities in the month of May, following the proclamation of the results of the regular municipal election at which the officers were elected. ('79 Code, § 31.02)

Statutory reference:

Elections and primary elections to be conducted pursuant to state law, see Illinois Election Code,

ILCS Ch. 10, Act 5, §§ 1-1 et seq.

Cross-reference:

Oath requirement, see § 31.02(A) and (B)

Qualifications for officers, see § 31.01

§ 30.03 POWERS AND DUTIES.

(A) The Board of Trustees shall have the powers and shall perform the same duties as the city council in cities. It shall pass ordinances, resolutions, and motions in the same manner as a city council. The President of the Board of Trustees may exercise the same veto power and powers in ILCS Ch. 65, Act 5, § 3.1-40-30, and with like effect, as the Mayor of a city. The Trustees may pass motions, resolutions, and ordinances over the President's veto in like manner as the aldermen of a city council. (ILCS Ch. 65, Act 5, § 3.1-45-5)

(B) The Board of Trustees shall consist of the President and six Trustees. It shall meet in accordance with the state Open Meetings Act, ILCS Ch. 5, Act 120, §§ 1 *et seq.* It shall keep a journal of its own proceedings. (ILCS Ch. 65, Act 5, § 3.1-40-5)

(C) The Board shall be the sole judge of the election to office of the Trustees. It shall also be the sole judge of whether, under ILCS Ch. 65, Act 5, § 3.1-10-5, Trustees are eligible to their offices. A court, however, shall not be prohibited from hearing and determining a proceeding in quo warranto. (ILCS Ch. 65, Act 5, § 3.1-40-10)

(D) The Board shall determine its own rules of proceeding and punish its members for disorderly conduct. With the concurrence of two-thirds of the Trustees then holding office, it may expel a Trustee from a meeting, but not a second time for the same incident. (ILCS Ch. 65, Act 5, § 3.1-40-15)

(E) The Board may prescribe, by ordinance, the times and places of the Board meetings, and the manner in which special Board meetings may be called. The President or any three Trustees may call special meetings of the Board. In addition to any notice requirement prescribed by the Board, public notice of meetings must be given as prescribed in ILCS Ch. 5, Act 120, §§ 2.02 and 2.03 of the Open Meeting Act. (ILCS Ch. 65, Act 5, § 3.1-40-25)

(F) In the absence of the President, acting President, or President Pro Tem, the Board may elect a Trustee to act as a temporary chairman. He/she shall have only the powers of a presiding officer and a right to vote in his/her capacity as Trustee on any ordinance, resolution, or motion. (ILCS Ch. 65, Act 5, § 3.1-35-35(b))

§ 30.04 COMPENSATION.

(A) The compensation received by each member of the Municipal Board of Trustees is hereby fixed at the sum of \$8,000 per fiscal year or such sum as is appropriate for any partial year served, paid on a bi-weekly basis.

(B) Each Trustee may receive reimbursement from the village for expenses incurred by the member in attending committee meetings of the Board of Trustees or for other expenses incurred by the Trustee in the course of performing official duties, as approved by the Board of Trustees. (Ord. 1837, passed 3-18-2002; Am. Ord. 2004, passed 10-4-2004)

RULES OF PROCEDURE

§ 30.20 PROCEEDINGS BEFORE BOARD OF TRUSTEES.

(A) *Rules of Order.* The current edition of Robert's Rules of Order shall govern the proceedings of the Board of Trustees where applicable and when not in conflict with statutes or ordinances; provided, however, that the Board may adopt rules of order revising, repealing, amending, supplementing or

supplanting, in whole or in part, Robert's Rules of Order. Each new Board, upon inauguration of the village officers newly elected at any consolidated election, shall have the right by a majority vote of the Board of Trustees to repeal, amend, or replace any rules of order adopted by a previous Board.

(B) *Addressing meetings.* It shall be unlawful for any person to address or attempt to address any regular or special meeting of the Board except upon the consent of the President or with the consent of a majority of the members present.

(C) *Disturbing meetings.* It shall be unlawful to disturb or interrupt any regular or special meeting of the Board. Any person violating any provision of this division (C) shall be fined as provided for in § 10.99, and may be summarily ejected from the meeting and the Village Hall.

(D) *Agenda items.* The Village President shall have the final authority concerning the preparing, placing or removal of all items from the agenda for all meetings of the Board of Trustees. (Am. Ord. 2062, passed 12-19-2005; Am. Ord. 3097, passed 5-11-2009)

§ 30.21 PRESIDING OFFICER.

The President shall preside at all meetings of the Board of Trustees. Except as provided in ILCS Ch. 65, Act 5, §§ 4-1-1 *et seq.* and 5-1-1 *et seq.*, he/she shall not vote on any ordinance, resolution, or motion except where the vote of the Board of Trustees has resulted in a tie; or where one half of the Board of Trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or where a vote greater than a majority of the Board of Trustees is required to adopt an ordinance, resolution, or motion. In each instance specified, the President shall vote. Nothing in this section shall deprive an Acting President or President Pro Tem from voting in his/her capacity as Trustee, but he/she shall not be entitled to another vote in his/her capacity as Acting President or President Pro Tem. (ILCS Ch. 65, Act 5, § 3.1-40-30)

§ 30.22 MEETINGS OF THE BOARD OF TRUSTEES; HOLIDAYS.

(A) The President and Board of Trustees shall meet in regular session for the purpose of conducting the business of the village on the first and third Monday of each and every month, at the hour of 7:30 p.m. at the Village Hall.

(B) In every case where the regular meeting, as scheduled in division (A) above, falls on a legal holiday, the regular meeting shall be held on the day following such holiday.

(C) The Board of Trustees shall hold its regular meetings as set forth by ordinance, as may be amended from time to time. The President or any three Trustees may call special meetings of the Board of Trustees. In addition to any notice requirement prescribed by the Board of Trustees, public notice

of meetings must be given as prescribed in ILCS Ch. 65, Act 120, §§ 2.02 and 2.03 of the Open Meetings Act.

(Ord. 3056, passed 5-5-2008)

§ 30.23 QUORUM.

A majority of the Board of Trustees shall constitute a quorum to do business. A smaller number, however, may adjourn from time to time and may compel the attendance of absentees, under penalties (including a fine for a failure to attend) as set forth by ordinance as may be amended from time to time.

(ILCS Ch. 65, Act 5, § 3.1-40-20)

§ 30.24 DEFERRAL OF COMMITTEE REPORTS.

Upon the request of any two Trustees present, any report of a committee of the Board shall be deferred, for final action thereon, to the next regular meeting of the Board after the report is made.

(ILCS Ch. 65, Act 5, § 3.1-40-35)

ORDINANCES

§ 30.40 ORDINANCES AND RULES TO EXECUTE POWERS.

(A) The Board of Trustees may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper. No fine or penalty, however, except civil penalties provided for failure to make returns or to pay any taxes levied by the village shall exceed \$750 and no imprisonment authorized in ILCS Ch. 65, Act 5, § 1-2-9 for failure to pay any fine, penalty or cost shall exceed six months for one offense.

(B) A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant do one or both of the following:

(1) Complete an education program, except that a holder of a valid commercial driver's license who commits a vehicle weight or size restriction violation shall not be required to complete an education program under this section.

(2) Perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities.

(C) A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The municipal attorney of

the municipality in which the fine or penalty was imposed may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of that fine or penalty. Any fees or costs incurred by the municipality with respect to attorneys or private collection agents retained by the Village Attorney under this section shall be charged to the offender.

(D) A low-income individual required to complete an education program under this section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required education program. (ILCS Ch. 65, Act 5, § 1-2-1)

§ 30.41 ORDAINING CLAUSE.

The ordaining clause of ordinances shall be: “Be it ordained by the President and Board of Trustees of the Village of _____.” (ILCS Ch. 65, Act 5, § 1-2-2)

§ 30.42 VOTE REQUIRED; METHOD OF VOTING.

(A) The passage of all ordinances for whatever purpose, and of any resolution or motion to create any liability against the village or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the Board of Trustees, including the President, unless otherwise expressly provided by this code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the Board consists of an odd number of Trustees, the vote of the majority of the Trustees shall be sufficient to pass an ordinance. The passage of an ordinance, resolution, or motion to sell any school property shall require the concurrence of three-fourths of all Trustees then holding office.

(B) The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the Board. In addition, the Board of Trustees at any meeting may by unanimous consent take a single vote by yeas and nays on the several questions of the passage of any two or more of the designated ordinances, orders, resolutions, or motions placed together for voting purposes in a single group, which single vote shall be entered separately in the journal under the designation “omnibus vote,” and in such event the Clerk may enter the words “omnibus vote” or “consent agenda” in the journal in each case in lieu of entering the names of the members of the Board voting “yea” and of those voting “nay” on the passage of each of the designated ordinances, orders, resolutions, and motions included in such omnibus group or consent agenda. The taking of such single or omnibus vote and such entries of the words “omnibus vote” or “consent agenda” in the journal shall be a sufficient compliance with the requirements of this section to all intents and purposes and with like effect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution, and motion included in such omnibus group, and separately recorded in the journal.

(C) Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any Trustee and shall be recorded in the journal. (ILCS Ch. 65, Act 5, § 3.1-40-40)

§ 30.43 APPROVAL AND DISAPPROVAL BY PRESIDENT.

All resolutions and motions which create any liability against the village or which provide for the expenditure or appropriation of its money, or to sell any village or school property, and all ordinances passed by the Board of Trustees, shall be deposited with the Clerk. Except as provided in ILCS Ch. 65, Act 5, §§ 4-1-1 *et seq.* and 5-1-1 *et seq.*, if the President approves of an ordinance or resolution, the President shall sign it. Those ordinances, resolutions, and motions which he/she disapproves shall be returned to the Board of Trustees, with his/her written objections, at the next regular meeting of the Board occurring not less than five days after their passage. The President may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the President may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the President fails to return any ordinance or any specified resolution or motion with his/her written objections within the designated time, it shall become effective despite the absence of his/she signature. (ILCS Ch. 65, Act 5, § 3.1-40-45)

§ 30.44 RECONSIDERATION.

(A) Every resolution and motion specified in § 30.43 and every ordinance returned to the Board of Trustees by the President shall be reconsidered by the Board of Trustees at the next regular meeting following the regular meeting at which the City Council receives the Mayor's written objection. If, after such reconsideration, two-thirds of all the Trustees then holding office on the Board shall agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the President's refusal to approve it, then it shall be effective. The vote on the question of passage over the President's veto shall be by yeas and nays and shall be recorded in the journal. (ILCS Ch. 65, Act 5, § 3.1-40-50)

(B) No vote of the Board of Trustees shall be reconsidered or rescinded at a special meeting, unless there are present at the special meeting as many Trustees as were present when the vote was taken. (ILCS Ch. 65, Act 5, § 3.1-40-55)

§ 30.45 PUBLICATION REQUIREMENTS; EFFECTIVE DATE.

(A) All ordinances imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, shall be printed or published in book or pamphlet form, published by authority of the Board of Trustees, or be published at least once, within 30 days after passage, in one or more newspapers published in the village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the village. If there is an error in printing, the publishing requirement of this section shall be satisfied if those portions of the ordinance that were erroneously printed are republished, correctly, within 30 days after the original publication that contained the error. The fact that an error occurred in publication shall not affect the effective date of the ordinance so published. If the error in printing is not corrected within 30 days after the date of the original publication that contained the error, as provided in the preceding sentence, the corporate authorities may by ordinance declare the ordinance that was erroneously published to be nevertheless valid and in effect no sooner than the tenth day after the date of the original publication, notwithstanding the error in publication, and shall order the original ordinance to be published once more within 30 days after the passage of the validating ordinance.

(B) Except as provided in ILCS Ch. 65, Act 5, § 1-2-4, no such ordinance shall take effect until ten days after it is so published. However, ordinances establishing rules and regulations for the construction of buildings or any part thereof, or for the development or operation of camps accommodating persons in house trailers, house cars, cabins, or tents, where such rules and regulations have been previously printed in book or pamphlet form, may by their terms provide for the adoption of such rules and regulations or portions thereof by reference thereto without further printing, or publication, if not less than one copy of such rules and regulations in book or pamphlet form has been filed in the office of the Clerk for use and examination by the public at least thirty days prior to the adoption thereof.

(C) All other ordinances, resolutions, and motions shall take effect upon their passage unless they otherwise provide.

(D) Anything in this section to the contrary notwithstanding, any ordinance which contains a statement of its urgency in the preamble or body thereof, other than an ordinance relating to finance, appropriations, or taxes, adopted under ILCS Ch. 65, Act 5, §§ 8-1-1 *et seq.* may take effect immediately upon its passage provided that the Board of Trustees, by a vote of two-thirds of all the members then holding office, so direct. The decision of the Board of Trustees as to the urgency of any ordinance shall not be subject to judicial review except for an abuse of discretion. (ILCS Ch. 65, Act 5, § 1-2-4)

§ 30.46 RECORDATION.

The Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Board of Trustees. Immediately following each ordinance the Clerk shall make a memorandum of the date of the passage and of the publication or posting, where required, of the ordinance. This record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and of the publication or posting of ordinances. (ILCS Ch. 65, Act 5, § 1-2-5)

§ 30.47 REVISION.

The President may appoint, by and with the advice and consent of the Board of Trustees, one or more competent persons to prepare and submit to the Board of Trustees for adoption or rejection, an ordinance to revise the village ordinances. The compensation for this revision shall be fixed by the Board of Trustees and paid out of the village treasury. (ILCS Ch. 65, Act 5, § 1-2-3)

§ 30.48 ADOPTION OF CODES AND PUBLIC RECORDS BY REFERENCE.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC RECORD. Any village, state, or federal statute, rule, or regulation and any ordinance or resolution of the county in which the village is located, adopted prior to the exercise by any village of the authority to incorporate by reference herein granted; however, this definition shall not include the village ordinances, rules, or regulations of any village except those of the village which is exercising the right to incorporate by reference, nor shall this definition include the state laws, rules, or regulations of any state other than the state of Illinois.

PUBLISHED. Printed, lithographed, multigraphed, mimeographed, or otherwise reproduced.

REGULATIONS. Any published compilation of rules and regulations which have been prepared by nationally recognized technical trade or service associations and shall include specifically building codes; plumbing codes; electrical wiring codes; fire prevention codes; codes for the slaughtering, processing, and selling of meats and meat products for human consumption; and codes for the production, pasteurizing, and sale of milk and milk products.
(ILCS Ch. 65, Act 5, § 1-3-1)

(B) The village may adopt by reference, as criteria for the issuance of construction, reconstruction, alteration, or installation permits, all or part of the provisions of regulations, without setting forth those provisions in full, if at least one copy of those regulations is filed in the office of the Clerk and is kept available for public use, inspection, and examination. The village may likewise adopt by reference the provisions of public records, if at least three copies of the public record are filed with and kept on file in the office of the Clerk as provided for regulations. The filing requirement is not deemed to be complied with unless the required copy of regulations or copies of the public record are filed with the Clerk for a period of 30 days before the adoption of the ordinance that incorporates the regulations or public record by reference. Regulations or a public record of a jurisdiction other than the state may not be adopted by reference covering any subject matter for which standards are available in any public record of the state.
(ILCS Ch. 65, Act 5, § 1-3-2)

(C) The codes which have been adopted by the village pursuant to division (B) are set forth by ordinance as may be amended from time to time.

Statutory reference:

Incorporation by reference of technical codes and public records, see ILCS Ch. 50, Act 220, §§ 1 through 7

STANDING COMMITTEES

§ 30.60 AUTHORITY TO ESTABLISH.

The Board of Trustees may have one or more standing committees with the powers, functions, and duties established by ordinance. The standing committees which have been established and their duties are set forth in § 30.62 of this code.

§ 30.61 MEMBERS.

The members of each standing committee shall be appointed from time to time by the President with the advice and consent of the Board of Trustees.

§ 30.62 STANDING COMMITTEES.

(A) Standing committees shall be appointed by the President from the members of the Board of Trustees, by and with the advice and consent of the Board, at or before the second regular meeting in each fiscal year, or as soon thereafter as may be practicable. Should the Board of Trustees reject appointments for the standing committees as presented by the President, he/she shall resubmit a second recommendation at the next regular meeting of the Board of Trustees. Should the Board of Trustees reject the second recommendation of the President, the Board of Trustees may at that time propose from its own members names of those who will serve on the committees by a majority vote of the membership of the Board. In the event of a tie, the Village President shall vote to break the tie. The Board of Trustees may add a third member from its membership to any committee as it deems necessary. Vacancies, if any occur, shall be filled in the same way.

(B) Standing committees shall investigate, study, report, and recommend to the full Board of Trustees on matters pertaining to legislative action and executive policy at the request of the President or Village Administrator and shall have no executive or administrative authority. All actions of the standing committees shall be limited to the matters or activities with which the particular committee may be concerned, as established herein under division (C) of this section.

(C) There shall be six standing committees having responsibilities as follows:

(1) The Community Affairs and Economic Development Committee shall be responsible for matters pertaining to public relations, information, community relations, intercommunity relations, and other public and service agencies. It shall be the liaison with the Community Relations Commission, the Library Board, Historical Society, school districts, and civic organizations.

(2) The Finance and Administration Committee shall be responsible for matters pertaining to village financial policy, accounting practices, investments, auditing, insurance, personnel administration, budget preparation, and business licenses.

(3) The Public Services - Public Works and Parks & Recreation Committee shall be responsible for matters pertaining to streets, sewers, street lights, sidewalks, water system, storm drainage, public buildings, cable television system, municipal waste management, and miscellaneous village property, as well as matters pertaining to park site development, recreation programming, and community beautification concerns. It shall be the liaison with the Citizens' Advisory Board.

(4) The Regulatory Services - Building, Planning, and Engineering Committee shall be responsible for matters pertaining to community development, land use, comprehensive planning, development regulations, and building. It shall be the liaison with the Plan Commission, the Zoning Board and regional agencies.

(5) The Public Safety - Police, Fire Committee shall be responsible for matters pertaining to the police and fire protection, paramedic service, traffic control, construction codes, and emergency preparedness. It shall be the liaison with the Fire and Police Commission.

(6) The Health, Environmental and Capital Planning Committee shall be responsible for matters of general health concerns and environmental issues to provide, maintain and ensure an healthful living environment in the village, and also for the consideration, preparation and implementation of long-range capital planning.

(D) Each committee shall consist of two Trustees, unless otherwise deemed necessary, one of whom shall be designated by the President as Chairman, with the advice and consent of the Board of Trustees, and the President who shall, ex officio, be a member of each committee. Should the Board of Trustees reject the designated Chairman for each standing committee as presented by the President, he/she shall resubmit a second recommendation at the next regular meeting of the Board of Trustees. Should the Board of Trustees reject the second recommendation of the President, the Board of Trustees may at that time propose from its own membership a Chairman by a majority vote of the Board. In the event of a tie vote, the Village President shall vote to break the tie. ('79 Code, § 30.30) (Am. Ord. 1102, passed 5-18-81; Am. Ord. 1167, passed 1-17-83; Am. Ord. 1452, passed 10-1-90; Am. Ord. 2033, passed 5-16-2005)

§ 30.63 SPECIAL COMMITTEES.

(A) Special committees shall be created by the Board of Trustees for such purposes as they may deem necessary.

(B) Members of any special committee shall be appointed by the President from the membership of the Board of Trustees, with the advice and consent of the Board of Trustees. Should the Board of Trustees reject recommendations for special committees as presented by the President, he/she shall resubmit a second recommendation at the next regular meeting of the Board of Trustees. Should the Board of Trustees reject the second recommendation of the President, the Board of Trustees may at that time propose from its own membership names of those who will serve on the special committees by a majority vote of the Board. In the event of a tie vote, the Village President will vote to break the tie. The Board of Trustees may add a third member from its membership to any special committee as it deems necessary.

(C) Special committees, on the acceptance of their final reports, shall, unless otherwise ordered by the Board of Trustees, be discharged without formal vote of the Board. ('79 Code, § 30.31) (Am. Ord. 967, passed 5-15-78)

