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CHAPTER 1
VILLAGE CODE

SECTION:

- 1-1-1: Title
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1-1-1: **TITLE:** Upon adoption by the Board of Trustees this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of the Village of Morton. This Village Code of Ordinances shall be known and cited as the Morton Municipal Code, and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-1-3 under the direction of the Village Attorney, acting for said Village Board of Trustees. 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 Title 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

1-1-2: **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 1-2-1.²

1-1-3: **AMENDMENTS:** Any Ordinance amending this Village Code shall set forth the Title, 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. All such amendments or revisions by Ordinance shall be immediately forwarded to the codifiers and the said Ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code within thirty (30) days from the date of its final passage.

1-1-4: **CONSTRUCTION OF WORDS:** Whenever any word in any Section of this Village 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 Village 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 Village Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 1-2-3.

² For Statute authority, see S.H.A. Ch. 24, Sec. 1-2-6, Note #12.

1-1-5: **INTERPRETATIONS:** In the determination of the provisions of each Section of this Code the following rules shall be observed:

- (A) Intent to Defraud: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.
- (B) Liability of Employers and Agents: When the provisions of any Section of this Village Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth. (1970 Code)

1-1-6: **INTENT:** All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent of the Board of Trustees may be fully carried out. (1944 Code, Sec. 441)

CHAPTER 2

SAVINGS CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general Ordinances of the Village passed prior to the adoption of this Village 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; and all special Ordinances.

1-2-2: **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 Village Code or by virtue of the preceding Section, excepting as this Village Code may contain provisions for such matters, in which case this Village Code shall be considered as amending such Ordinance or Ordinances in respect to such provisions only.

1-2-3: **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 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 Village Code. (1970 Code)

CHAPTER 3
DEFINITIONS

SECTION:

1-3-1: Definitions, General

1-3-1: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this Code they shall have the meanings herein ascribed to them, unless the content makes such meaning repugnant thereto:

AGENT: The word “agent” as used in this Code shall mean a person acting on behalf of another.

CODE: The word “Code” unless otherwise specifically stated shall mean this Village Code. (1970 Code)

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 of Morton” and shall be taken to mean the employee of the Village performing the duties indicated. (1944 Code, Sec. 440)

FEE: The word “fee” 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.

KNOWINGLY: The word “knowingly” signifies only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

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

MISDEMEANOR: The word “misdemeanor” 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” signifies 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. (1970 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 of Morton," and shall be taken to mean the officer of the Village having the title mentioned. (1944 Code, Sec. 440)
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 individual, partnership, corporation, joint stock association, or the State of Illinois or any subdivision thereof, and includes any trustee, receiver, assignee, or personal representative thereof. ¹
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.
STREET:	The word "street" shall include alleys, lanes, courts, boulevards, public square, 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" as used in this Code shall mean the Village of Morton, County of Tazewell, State of Illinois.
WHOLESALER:	The words "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.
WILFULLY:	The word "wilfully" 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, IN WRITING:	The terms "written" or "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. (1970 Code)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 1-1-2(4).

CHAPTER 4

PENALTY

SECTION:

- 1-4-1: Penalty
- 1-4-2: Default; Labor
- 1-4-3: License
- 1-4-4: Application
- 1-4-5: Liability Of Officers
- 1-4-6: Insufficient Checks

1-4-1: **PENALTY:** Any person, persons, partnership, firm, or corporation convicted of a violation of any Section of this Code, for which another penalty is not provided, shall be fined in a sum of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).¹ (Ord. 80-5, 6-2-80; amd. Ord. 99-37, 12-6-99)

1-4-2: **DEFAULT; LABOR:** Any person in default of payment of any fine or costs imposed may be committed to the County Jail until the fine, penalty, and costs are fully paid. Any person imprisoned under the provisions of this Chapter may be put to work for the benefit of the Village for the term of his imprisonment. The committed person shall be allowed, exclusive of boards, a credit as provided by Statute for each days' work.²

1-4-3 **LICENSE:** When a person is convicted of a violation of any Section of this Village Code any license previously issued to him by the City may be revoked by the Court or by the Board of Trustees.

1-4-4: **APPLICATION:** The penalty in this Chapter shall be applicable to every Section of this Village 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 Village 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 Village Code.

In all cases where the same offense is made punishable or is created by different clauses or Sections of this Village Code the prosecuting officer may elect under which to proceed; but not more than one 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.

Whenever the doing of any act or the omission to do any act constitutes a breach of any Section or provision of this Village 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 For Statute authority, see S.H.A. Ch. 24, Sec. 1-2-1.

² For Statute authority, see S.H.A. Ch. 24, Sec. 1-2-9 as amd. 1963.

1-4-5: **LIABILITY OF OFFICERS:** No provisions of this Village Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty. (1970 Code)

1-4-6: **INSUFFICIENT CHECKS:** Any person who presents to the Village a check as payment on any fee or charge due and owing the Village, which is drawn on an account having insufficient funds and is returned to the Village stating the account has insufficient funds, shall be charged the sum of twenty-five dollars (\$25.00) for each such check tendered to the Village. (Ord. 80-39, 3-16-81; amd. Ord. 01-21, 10-15-01)

CHAPTER 5
BOARD OF TRUSTEES

SECTION:

- 1-5-1: Election; Term
- 1-5-2: Oath; Compensation
- 1-5-3: Meetings
- 1-5-4: Presiding Officer
- 1-5-5: Quorum
- 1-5-6: Assignment of Duties and Responsibilities
- 1-5-7: Disturbing Meetings
- 1-5-8: Order Of Business
- 1-5-9: Rescinded Action
- 1-5-10: Resolutions
- 1-5-11: Addressing Meetings
- 1-5-12: Suspension Of Rules
- 1-5-13: Robert's Rules Of Order
- 1-5-14: Recording Meetings
- 1-5-15: Attendance At Meetings Other Than By Physical Presence

1-5-1: **ELECTION; TERM:** The Board of Trustees of the Village shall consist of six (6) members who shall each be elected to office for a four (4) year term as provided by Statute. Said Board of Trustees shall be the legislative department of the Village government and shall perform such duties and have such powers as may be delegated to it by Statute.¹ (1944 Code, Sec. 6)

1-5-2: **OATH; COMPENSATION:** The members of the Board of Trustees shall take the oath of office prescribed by Statute before entering upon their duties. Each member of the Board of Trustees shall receive compensation in the amount of one thousand two hundred dollars (\$1,200.00) per year, payable monthly. In addition thereto, each member of the Board of Trustees shall receive reimbursement from the Village for expenses as may be incurred by the Trustee in the course of performing official duties. (Ord. 705, 4-25-77; amd. Ord. 00-29, 10-16-00; amd. Ord. 04-29, 9-7-04; amd. Ord. 08-07, 7-21-08)

1-5-3: **MEETINGS:** The regular meetings of the Board of Trustees shall be held on the first and third Mondays of each month at seven o'clock (7:00) P.M.

The meeting place of said Village Board shall be at Freedom Hall, 349 W. Birchwood, Morton, Illinois. If a regularly scheduled meeting falls on a legal holiday, the Board may schedule the meeting to the following Tuesday at seven o'clock (7:00) P.M.

Special meetings may be called by the President of the Board or any three (3) Trustees upon at least forty eight (48) hours' written notice to all members and the President, stating the object and purposes of such meeting and the time of holding the same. Notice of such special meeting or of a meeting called as a result of a bona fide emergency shall be given as required by the Open Meetings Act.² (Ord. 93-13, 9-7-93; amd. Ord. 95-37, 3-5-96, eff. 4-1-96; amd. Ord. 97-33, 1-19-98)

¹ 65 ILCS 5/3-5-2.

² 5 ILCS 120/1.

1-5-4: **PRESIDING OFFICER:** The President of the Board shall be the presiding officer of all regular and special meetings of said Board of Trustees and at all times when the Board meets as a committee of the whole.¹ (1944 Code, Sec. 9)

1-5-5: **QUORUM:** A majority of the corporate authorities shall constitute a quorum to do business. (Ord. 93-13, 9-7-93)

1-5-6: **ASSIGNMENT OF DUTIES AND RESPONSIBILITIES:** Members of the Board of Trustees may be assigned such duties and responsibilities by the Village President as the Village President shall deem necessary and desirable from time to time, with the approval of the Board of Trustees. The Village President may also retain such duties and responsibilities as the Village President shall deem necessary and desirable from time to time, with the approval of the Board of Trustees. (Ord. 05-03, 05-02-05)

1-5-7: **DISTURBING MEETINGS:** It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof. (1944 Code, Sec. 12)

1-5-8: **ORDER OF BUSINESS:** The order of business of the Board of Trustees shall be as follows:

- I. Call to Order.
- II. Roll Call.
- III. Pledge of Allegiance to the Flag.
- IV. Public Hearings.
- V. Presentations and Special Reports.
- VI. Public Comment.
- VII. Consent Agenda.
- VIII. Consideration of Items Removed from the Consent Agenda.
- IX. Village President.
- X. Village Clerk.
- XI. Village Treasurer.
- XII. Business Manager.
- XIII. Chief of Police.
- XIV. Corporation Counsel.
- XV. Director of Fire and Emergency Services.
- XVI. Superintendent of Public Works.
- XVII. Zoning Enforcing Officer.
- XVIII. Village Trustees.
- XIX. Closed Sessions.
- XX. Consideration of Matters Arising from Closed Sessions.
- XXI. Adjournment.

(amd. Ord. 05-21, 10-3-05; amd. Ord. 06-02, 5-1-06; amd. Ord. 09-22, 8-3-09)

¹ 65 ILCS 5/3-11-14 as referred to by 65 ILCS 5/3-12-3.

1-5-9: **RESCINDED ACTION:** No vote or action of the Board of Trustees shall be rescinded at any special meeting unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by Statute. (1944 Code, Sec. 14)

1-5-10: **RESOLUTIONS:** Any resolution submitted to the Board of Trustees shall be reduced to writing before being voted upon, on request by any two (2) members of the Board. (1944 Code, Sec. 15)

1-5-11: **ADDRESSING MEETINGS:** No person other than the President or a member of the Board of Trustees or a member of Village staff shall address the Board of Trustees at any regular or special meeting except upon consent of the President of the Board of Trustees or a Trustee. Persons addressing the Board of Trustees shall be subject to the following rules:

- (A) Persons may address the Board of Trustees only during the Public Comment portion of the agenda and after being recognized by the President, or at such other time as may be permitted by the President or a Trustee.
- (B) Upon being recognized, persons addressing the Board of Trustees shall identify themselves by name and address. Comments shall be limited to five (5) minutes. The President may lengthen or shorten a person's opportunity to speak. Persons anticipating the need to address the Board of Trustees for a longer period of time shall provide advance notice to the President of such need.
- (C) All comments shall be limited to matters which the President and Board of Trustees has supervisory, appointive or legislative authority or to hear a citizen speak on a matter of a redress of a grievance.
- (D) Persons addressing the Board should not expect an answer at the conclusion of the presentation.
- (E) The President shall have the authority to determine procedural matters regarding public participation not otherwise defined herein. (Ord. 93-9, 7-19-93; amd. Ord. 05-48, 4-3-06; amd. Ord. 12-36, 5-6-13)

1-5-12: **SUSPENSION OF RULES:** The rules of order, other than those prescribed by Statute, may be suspended at any time by the consent of a majority of the members present at any meeting. (1944 Code, Sec. 17)

1-5-13: **ROBERT'S RULES OF ORDER:** Robert's Rules of Order shall govern the deliberations of the Board of Trustees except when in conflict with any of the foregoing rules. (1944 Code, Sec. 18)

1-5-14: **RECORDING MEETINGS:**

- (A) Any person may record the proceedings at meetings of the Board of Trustees required to be open by the Open Meetings Act by tape, film or other means.
- (B) Recording meetings shall not distract or disturb members of the Board of Trustees, other meeting participants, or members of the public. The President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

- (C) If a witness at any meeting of the Board of Trustees required to be open by the Open Meetings Act refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised, or if motion pictures are to be taken of him while he is testifying, the Board of Trustees shall prohibit such recording during the testimony of the witness. (Ord. 05-48, 4-3-06)

1-5-15: **ATTENDANCE AT MEETINGS OTHER THAN BY PHYSICAL PRESENCE:**

- (A) The President or a Trustee may attend a meeting of the President and Board of Trustees via interactive video or audio conference, provided the member has notified the Village Clerk before such meeting that he or she will be unable to attend for any of the reasons set forth in paragraph B. Such advance notice is not required if it is not practical.

In such case, the member shall file with the Clerk, a statement indicating why such advance notice was not practical. The statement shall be filed within three (3) days of the meeting which the member was unable to attend, but which he or she attended by interactive video or audio conference.

- (B) A member may attend a meeting via interactive video or audio conference only if he or she is prevented from physically attending the meeting because one of the following conditions exists:

1. Personal illness or disability.
2. Employment purposes or the business of the public body.
3. Family or other emergency. (Ord. 06-29, 11-6-06)

CHAPTER 6

PRESIDENT

SECTION:

- 1-6-1: Election; Term
- 1-6-2: Duties
- 1-6-3: Designation Of Duties
- 1-6-4: Bond; Oath
- 1-6-5: President Pro-Tem

1-6-1: **ELECTION; TERM:** The Village President shall be elected for a term of four (4) years, and he shall be the President of the Board of Trustees as is provided by Statute.¹ (1944 Code, Sec. 1)

1-6-2: **DUTIES:** He shall be the chief executive officer of the Village and he shall perform all duties that may be required of him by Statute or Ordinance. He shall have supervision over all the executive officers of the Village, and he shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time. (1944 Code, Sec. 2)

1-6-3: **DESIGNATION OF DUTIES:** Whenever there is a question as to the respective duties and powers of any appointed officer of the Village, this shall be settled by the President; and he shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform that duty. (1944 Code, Sec. 3)

1-6-4: **BOND; OATH:** Before entering upon the duties of his office, the President shall give a bond with sureties to be approved by the Board of Trustees conditioned upon the faithful performance of his duties in the sum of ten thousand dollars (\$10,000.00) or such higher sum as may be directed by the Board of Trustees.² He shall take the oath of office prescribed by Statute before entering upon his duties. He shall receive compensation in the amount of eight thousand dollars (\$8,000) per year, payable monthly.³ In addition thereto, he shall receive reimbursement from the Village for expenses as may be incurred by him in the course of performing official duties. (Ord. 577; 11-6-72; amd. Ord. 00-29, 10-16-00)

1-6-5: **PRESIDENT PRO-TEM:** During a temporary absence or disability of the Village President, the Board of Trustees shall elect one of its number to act as President pro-tem, who during the absence or disability of the President, shall perform the duties pertaining to the office. (1944 Code, Sec. 5)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 3-5-1 as amd. 1963, 1965.

² For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3.

³ For Statute authority, see S.H.A. Ch. 24, Sec. 3-13-6 amd. 1965.

CHAPTER 7

CLERK

SECTION:

- 1-7-1: Election; Term
 1-7-2: Oath
 1-7-3: Bond
 1-7-4: Compensation
 1-7-5: Duties
 1-7-6: Deputy Clerk Authorized; Appointment; Powers

1-7-1: **ELECTION; TERM:** The Clerk shall be elected to office for a term of four (4) years and until his successor is elected and qualified.

1-7-2: **OATH:** Before entering upon the duties of his office, the Clerk shall take and subscribe the oath or affirmation required by the Illinois Constitution.¹ The subscribed oath or affirmation shall be filed in the office of the Clerk.

1-7-3: **BOND:** Before entering upon the duties of his office, the Clerk shall execute a bond with security, to be approved by the President and Board of Trustees. The bond shall be payable to the Village of Morton in the penal sum of five thousand dollars (\$5,000.00)², conditioned upon the faithful performance of the duties of the office and the payment of all money received by him, according to law and the ordinances of the Village. The bond of the Clerk shall be filed with the Treasurer. The premium of such bond shall be paid by the Village.

1-7-4: **COMPENSATION:** The Clerk shall receive compensation in the amount of six thousand six hundred dollars (\$6,600.00) per year, payable monthly.

1-7-5: **DUTIES:**

- (A) The Clerk shall be the custodian of the Village Seal and shall affix its impression on documents whenever this is required.
- (B) The Clerk shall keep all papers belonging to the Village, the custody and control of which are not given to other officers.
- (C) The Clerk shall attend all meetings of the President and Board of Trustees and keep a full record of their proceedings in the journal.
- (D) The Clerk shall act as secretary to the President and Board of Trustees and perform a variety of related duties as directed by the President and Board of Trustees.
- (E) The Clerk shall administer oaths of office to elected and appointed officers of the Village.
- (F) The Clerk shall attend all meetings of and act as secretary to (including the preparing and posting of agendas, the preparing, posting, and publishing of legal and public notices, the preparing and filing of minutes, and the keeping of other documents and records) the Board of Local Improvements, and such other boards, commissions, and committees as directed by the President. (amd Ord. 10-21, 11-1-10)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 3-5-9 amd. 1963

² For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3

- (G) The Clerk shall be responsible for the Village's compliance with the Freedom of Information Act, including receiving and processing all requests for information made under the Freedom of Information Act.
- (H) The Clerk shall be responsible for the Village's compliance with the Open Meetings Act.
- (I) The Clerk shall certify to the County Clerk, a list of names and addresses of persons that are required to file annual Statements of Economic Interests.
- (J) The Clerk shall give notice of all special meetings of the President and Board of Trustees.
- (K) The Clerk shall keep accounts showing all money received, and the source and disposition thereof, and such other accounts as may be required by statute or ordinance.
- (L) The Clerk shall keep on file, bonds required of any officers and the oath of office of all officers.
- (M) The Clerk shall maintain the Morton Municipal Code book, including the distribution of updates to the Morton Municipal Code book.
- (N) The Clerk shall post and publish all legal and public notices.
- (O) The Clerk shall prepare the agendas and agenda packets for regular and special meetings of the President and Board of Trustees.
- (P) The Clerk shall seal and attest all contracts of the Village, and all such other documents which may require this formality.³
- (Q) The Clerk shall serve as the Local Election Official for the Village and perform all duties relating to elections, as may be required by law.
- (R) The Clerk shall turn over all money received on behalf of the Village to the Treasurer promptly on receipt of same, and with such money the Clerk shall give a statement as to the source thereof.
- (S) The Clerk shall, deliver to the President all ordinances, resolutions, and other documents which may require the approval of the President or are to be acted upon by the President.
- (T) The Clerk shall perform such other duties as required by law or as directed by the President and Board of Trustees.

1-7-6: **DEPUTY CLERK AUTHORIZED; APPOINTMENT; POWERS:** The Clerk may appoint up to two Deputy Clerks, who shall serve for an at-will term, at the pleasure of the Clerk. The Clerk shall have the sole and exclusive authority to appoint any Deputy Clerk. A Deputy Clerk shall not be required to be a resident of the Village. The powers and duties of the Deputy Clerk shall be exercised only (a) upon the direction of the Clerk, or (b) when the Corporate Authorities have determined by resolution that the Clerk is temporarily or permanently incapacitated to perform the functions and duties of the office of Village Clerk. A Deputy Clerk shall have the power to execute all documents required by law to be executed by the Clerk and may affix the seal of the Clerk wherever required. In signing any document, a Deputy Clerk shall sign the name of the Clerk with the word "By" and the Deputy Clerk's own name and the words "Deputy Clerk". When a Deputy Clerk's signature is duly authorized as provided in this section and is affixed by a Deputy Clerk in a manner prescribed in this section in any document, including but not limited to contracts, bonds or other obligations of the municipality, the document shall have the same effect as if the document had been signed by the Clerk in person.

(amd. Ord. 08-06, 7-7-08; amd. Ord. 10-21, 11-1-10; amd. Ord. 7-5-16)

³ For Statute authority, see S.H.A. Ch. 24, Sec. 3-10-7

CHAPTER 8
TREASURER

SECTION:

- 1-8-1: Appointment; Compensation
- 1-8-2: Bond
- 1-8-3: General Duties
- 1-8-4: Deposit Of Funds
- 1-8-5: Records
- 1-8-6: Accounting
- 1-8-7: Checks
- 1-8-8: Assistant Treasurer

1-8-1: **APPOINTMENT; COMPENSATION:** The Treasure/Comptroller shall be appointed by the President with the consent of the Board of Trustees. The Treasurer's office shall be known as Treasurer/Comptroller and the salary shall be as determined from time to time by the Board of Trustees. All other references in this code to Treasurer shall also mean Treasurer/Comptroller. (Ord. 97-35, 2-16-98; amd. Ord. 00-17, 7-17-00; amd. Ord. 11-31, 1-3-12; amd. Ord. 11-36, 4-16-12)

1-8-2: **BOND:** He or she shall give a bond before entering upon his duties, in the sum required by the Board of Trustees, but such amount shall not be less, or more, than that required by Statute.¹ This bond shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the Treasurer. (1944 Code, Sec. 27)

1-8-3: **GENERAL DUTIES:** The Treasurer shall perform such duties as may be prescribed by Statute or Ordinance. The Treasurer shall oversee the receipt of all money paid into the Village, either directly from the person paying the money, or from the hands of such other official or employee as may receive it, and shall oversee the pay out of money only on vouchers or orders properly signed by the President and designated member of the Board of Trustees.² (1944 Code, Sec. 28; amd. Ord. 97-35, 2-16-98; amd. Ord. 10-17, 9-7-10)

(A) The Treasurer shall be the custodian of all funds belonging to the Village of Morton. The Treasurer is authorized to oversee receipt of all funds due the Village, and shall keep a record of these activities and books which show a separate account for each fund. The Treasurer shall also be the custodian of the police and firemen pension funds. (amd. Ord. 10-17, 9-7-10)

(B) The Treasurer shall have the following responsibilities:

1. Payroll Cycle. The Treasurer will receive the payroll clearing account bank statement unopened from the bank and will oversee the preparation of the monthly bank reconciliation. The reconciled bank balance will be compared to the general ledger balance on a monthly basis.

¹ 65 ILCS 5/3-14-3.

² 65 ILCS 5/3-13-2.

2. Accounts Receivable/Cash Receipts and Accounts Payable/Cash Disbursements. The Treasurer will receive all bank statements unopened and oversee the preparation of the bank reconciliation for all financial institution accounts.

In addition, the treasurer will be responsible for reviewing and approving all proposed accounts receivable adjustments as recommended by the business manager.

The Treasurer shall oversee the deposit of and record all miscellaneous receipts. (amd. Ord. 10-17, 9-7-10)

3. Accounting Records/General Ledger. The Treasurer will review all subsidiary ledger reconciliation to the general ledger on a monthly basis.
4. Audits. The Treasurer shall be available to consult with the President and Board of Trustees on audit matters. (amd. Ord. 11-36, 4-16-12)
5. Internal Controls. The Treasurer is responsible for monitoring and revising the internal control structure of the Village, subject to approval by the Village Board of Trustees. (amd. Ord. 11-36, 4-16-12)
6. Cash Flow Requirements. The Treasurer will consult with the business manager and Village Board of Trustees on cash flow requirements.

The Treasurer will be responsible for investment of Village funds, per guidelines established by the Village Board of Trustees, recording all investment transactions in the general ledger, maintaining a detailed listing of all investments including holder of the funds, amount, investment date, maturity date, rate of annual return, and payment frequency, and provide a copy to the Village Trustees on a quarterly basis beginning with a report as of June 30, 2000. This listing will be reconciled to the appropriate general ledger accounts on a monthly basis.

7. Legal and Regulatory Matters. The Treasurer will be responsible for being current on all legal and regulatory matters applicable to the Treasurer's functions and responsibilities.
8. Police and Firemen Pension Treasurers. The Treasurer shall be custodian of the Police Pension Fund and the Firemen Pension Fund.
9. The Treasurer shall perform such other duties applicable to the Treasurer's functions and responsibilities as may be prescribed from time to time by the Village Board of Trustees. (amd. Ord. 00-17, 7-17-00)

1-8-4: **DEPOSIT OF FUNDS:** The Treasurer shall oversee the deposit of Village funds in the following depositories: Heartland Bank and Trust Company (Morton division), Morton Community Bank (Morton division), PNC Bank (Morton division), Commerce Bank, Peoria, IL, JP Morgan Chase Bank, N.A., South Side Trust and Savings Bank, Peoria, IL, United States Department of the Treasury, Bureau of the Public Debt (Treasury Direct), and State of Illinois Public Treasurer's Investment Pool. The Treasurer shall keep the deposit of the Village money separate and distinct from his or her own money and shall not make private or personal use of any Village money. (amd. Ord. 10-17, 9-7-10; amd. Ord. 11-18, 7-18-11)

The amount of public funds deposited in a financial institution shall not exceed the amount of insurance provided by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation unless the amount by which such deposit exceeds the applicable insured amount is collateralized. For purposes of this procedure the Treasurer is authorized to accept only United States Government bonds or treasury bills as collateral. (Ord. 82-16, 1-17-83; amd. Ord. 01-22, 10-1-01; amd. Ord. 08-21, 10-20-08)

- 1-8-5: **RECORDS:** The Treasurer shall keep the records showing all money received by the Village, showing the source from which it is received and the purpose for which it is paid, and shall keep records at all times showing the financial status of the Village. (1944 Code, Sec. 30; amd. Ord. 10-17, 9-7-10)
- 1-8-6: **ACCOUNTING:** The Treasurer shall keep such books and accounts as may be required by Statute or Ordinance, and he or she shall keep them in the manner required by the Board of Trustees. (1944 Code, Sec. 31)
- 1-8-7: **CHECKS:** The signatures of the President and the designated member of the Board of Trustees shall be required for all checks executed by the Village. (Ord. 97-35, 2-16-98)
- 1-8-8: **ASSISTANT TREASURER:** There is hereby created the office of Assistant Treasurer which shall be subject to the following:
- (A) The Assistant Treasurer shall not perform any duties nor have any responsibilities unless the Treasurer has notified the President of the Board of Trustees that he or she is unable to perform his or her duties.
- (B) In the event the President has been so notified, he or she shall then notify the Assistant Treasurer, and in such case, the Assistant Treasurer shall have all the powers, duties, and responsibilities that the Treasurer has. Said powers, duties, and responsibilities shall be in effect only until such time as the Treasurer notifies the President that he or she can then resume his or her duties; and, in such case, the Assistant Treasurer's powers, duties, and responsibilities shall immediately cease.
- (C) During the time the Assistant Treasurer is performing the Treasurer's duties, the Assistant Treasurer shall receive the compensation the Treasurer would have; and the Treasurer shall not receive any compensation.
- (D) The Assistant Treasurer shall be appointed by the President and approved by the Board of Trustees. (Ord. 86-18, 2-16-87)

CHAPTER 9
CORPORATION COUNSEL

SECTION:

1-9-1	Creation; Appointment
1-9-2:	Special Counsel
1-9-3:	Suits And Actions
1-9-4:	Judgments
1-9-5:	Advice
1-9-6:	Special Assessments

1-9-1: **CREATION; APPOINTMENT:** There is hereby created the office of Corporation Counsel, an executive office of the Village. The Corporation Counsel shall be appointed by the President and the Board of Trustees. (1944 Code, Sec. 32)

1-9-2: **SPECIAL COUNSEL:** The President, with the consent of the Board of Trustees, may from time to time retain an attorney to represent or advise the Village on legal matters, if no Corporation Counsel has been appointed; and he may likewise retain special counsel to advise or represent the Village on special matters or to assist the Corporation Counsel. (1944 Code, Sec. 33)

1-9-3: **SUITS AND ACTIONS:** The Corporation Counsel shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Village on behalf of the Village or in the capacity of such person as an officer of the Village. (1944 Code, Sec. 34)

1-9-4: **JUDGMENTS:** It shall be the duty of the Corporation Counsel to see to the full enforcement of all judgments or decrees entered or rendered in favor of the Village, and of all similar interlocutory orders. (1944 Code, Sec. 35)

1-9-5: **ADVICE:** The Corporation Counsel shall be the legal advisor of the Village, and shall render advice on all legal questions affecting it, whenever requested to do so by any Village official. Upon request by the President of the Board, he shall reduce any such opinion to writing. (1944 Code, Sec. 36)

1-9-6: **SPECIAL ASSESSMENTS:** It shall be the duty of the Corporation Counsel to see to the completion of all special assessment proceedings and condemnation proceedings. (1944 Code, Sec. 37)

CHAPTER 10

SUPERINTENDENT OF PUBLIC WORKS

SECTION:

- 1-10-1: Office Created
 1-10-2: Superintendent's Powers And Duties
 1-10-3: Operation Of The Department Of Public Works

1-10-1: **OFFICE CREATED:** There is hereby created the office of the Superintendent of Public Works who shall be appointed by and at all times act under the direct control of the President and the Board of Trustees.

1-10-2: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of Public Works:

- (A) To have charge of the water, sewer, and gas systems. He shall be responsible for the proper operation of same and is hereby authorized to enforce all laws and provisions pertaining thereto.
- (B) To have charge of all public streets, alleys, sidewalks, and other public rights of way, and supervision over the maintenance and repair of same.
- (C) To have charge of the maintenance and repair of all Village owned buildings.
- (D) To have charge of all physical property of the Village which is not assigned by the Board to some other officer or employee.
- (E) To handle all responsibilities and functions of the Plan Director, said responsibilities and functions being provided in Title 11 of this Code.
- (F) To perform and be responsible for all duties of the Village Engineer in the absence of the engagement of an engineer or an engineering firm as provided in Section 1-20-3 of this Code.

1-10-3: **OPERATION OF THE DEPARTMENT OF PUBLIC WORKS:** The Superintendent of Public Works shall have the authority to promulgate such rules, procedures, and policies as he deems appropriate in furtherance of the operation of the Department of Public Works.
 (Ord. 86-6, 7-21-86)

CHAPTER 12
VILLAGE COLLECTOR

SECTION:

- 1-12-1: Appointment
 1-12-2: Bond
 1-12-3: General Duties
 1-12-4: Records
 1-12-5: Compensation

1-12-1: **APPOINTMENT:** There is hereby created the office of Collector of special taxes and assessments for the Village who shall be appointed by the President with the advice and consent of the Board of Trustees, and who shall serve at the will of the President and Board of Trustees.¹

1-12-2: **BOND:** Before entering upon the duties of his office, the Village Collector shall execute a bond with security to be approved by the President and Board of Trustees conditioned upon the faithful performance of the duties of the office of the Village Collector, said bond to be in the amount of five thousand dollars (\$5,000.00).² (Ord. 80-53, 3-31-81)

1-12-3: **GENERAL DUTIES:** It shall be the duty of the Collector to collect all special taxes and assessments levied within the corporate limits of the Village in the manner as provided by Statute and Ordinance, and to deliver his receipts immediately to the Treasurer, and he shall perform such other duties as may be prescribed for him by Statute or Ordinance. (1944 Code, Sec. 62)

1-12-4: **RECORDS:** The Collector shall keep a record showing all money received by him, showing the source and purpose for which paid, and he shall keep his records in the manner required by the Board of Trustees. (1944 Code, Sec. 63)

1-12-5: **COMPENSATION:** The Collector shall receive no compensation for his services. (Ord. 80-53, 3-31-81)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 3-8-1 and 3-8-3.

² For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3.

CHAPTER 13

WATER, SEWER, AND GAS INSPECTOR

SECTION:

- 1-13-1: Appointment
1-13-2: General Duties

1-13-1: **APPOINTMENT:** There is hereby created the office of Water, Sewer, and Gas Inspector, which office shall be held by the Superintendent of Public Works whose term of office as such Inspector shall be concurrent with his term of office as Superintendent of Public Works.¹ (1944 Code, Sec. 67 amd. 1970 Code)

1-13-2: **GENERAL DUTIES:** It shall be the duty of the Inspector to cause the inspection of all connections made to the public water, sewer, and gas systems of the Village to determine that the same are properly made. (1944 Code, Sec. 68)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 3-8-1.

CHAPTER 14

OFFICERS AND EMPLOYEES

SECTION:

- 1-14-1: Effect
- 1-14-2: Appointments
- 1-14-3: Terms Of Office
- 1-14-4: Assignment Of Duties
- 1-14-5: Records
- 1-14-6: Moneys Received
- 1-14-7: Oath
- 1-14-8: Bond
- 1-14-9: Salaries
- 1-14-10: Arrests
- 1-14-11: Termination Of Office
- 1-14-12: Impersonation
- 1-14-13: Interfering With Officers

1-14-1: **EFFECT:** The provisions of this Chapter shall apply alike to all officers or employees of the Village, regardless of the time of the creation of the office or of the time of the appointment of the officer. (1944 Code, Sec. 96)

1-14-2: **APPOINTMENTS:** The President and Board of Trustees shall make appointments to fill all appointive offices; employees shall be selected by the President.¹ (1944 Code, Sec. 97)

1-14-3: **TERMS OF OFFICE:** Where the term of office is not otherwise fixed, every appointive officer or employee of the Village shall hold office for a term of one year or until his successor is appointed and qualified. Employees selected shall serve so long as their services are desired. (1944 Code, Sec. 98)

1-14-4: **ASSIGNMENT OF DUTIES:** The President shall have power to assign to any appointive officer any duty which is not assigned by Ordinance to some other specific officer; and shall determine disputes or questions relating to the respective powers or duties of officers. (1944 Code, Sec. 99)

1-14-5: **RECORDS:** All records kept by any officer of the Village shall be open to inspection by the President, or any member of the Board at all reasonable times, whether or not such records are required to be kept by Statute or Ordinance. (1944 Code, Sec. 100)

1-14-6: **MONEYS RECEIVED:** Every officer and employee of the Village shall at least once each day turn over all moneys received by him in his official capacity to the Treasurer with a statement showing the source from which the same was received. (1944 Code, Sec. 101)

1-14-7: **OATH:** Every officer of the Village shall, before entering upon his duties, take and subscribe the oath prescribed by Section 3-14-3 of Chapter 24 of the Illinois Municipal Code. (1944 Code, Sec. 102)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 3-8-1.

- 1-14-8: **BOND:** Every officer and employee shall, if required by the Board, before entering upon the duties of his office, give a bond in such amount as may be determined by the Board and with such sureties as it may approve, conditioned upon the faithful performance of the duties of his office or position.¹ (1944 Code, Sec. 103)
- 1-14-9: **SALARIES:** All officers and employees of the Village shall receive such salaries as may be provided from time to time by the Village Board of Trustees. No officer or employee receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him in the absence of a specific Ordinance provision to that effect. (1944 Code, Sec. 104)
- 1-14-10: **ARRESTS:** The President and Board of Trustees, as well as every member of the Police Department, are hereby declared to be conservators of the peace. (1944 Code, Sec. 105)
- 1-14-11: **TERMINATION OF OFFICE:** Every officer of the Village upon the termination of his office, for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the Village and if no successor has been appointed within one week after the termination of office such property shall be delivered either to the Clerk or to the Treasurer. (1944 Code, Sec. 106)
- 1-14-12: **IMPERSONATION:** It shall be unlawful for any person to impersonate without lawful authority any Village officer or employee. (1944 Code, Sec. 107)
- 1-14-13: **INTERFERING WITH OFFICERS:** It shall be unlawful to interfere with or hinder any officer or employee of the Village while engaged in the duties of his office. (1944 Code, Sec. 108)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3.

CHAPTER 15
VILLAGE JAIL

SECTION:

- 1-15-1: Establishment
1-15-2: Keeper
1-15-3: Prisoners

1-15-1: **ESTABLISHMENT:** The place in the Village heretofore established and used as the jail, or any other place which may hereafter be established by the Board of Trustees for that purpose, is hereby declared to be the Village Jail.¹ (1944 Code, Sec. 109)

1-15-2: **KEEPER:** The Chief of Police shall be the keeper of the Jail and shall have custody over all persons confined therein and of all property pertaining thereto. (1944 Code, Sec. 110)

1-15-3: **PRISONERS:** The Jail shall be used for the incarceration of all persons arrested for violating any laws of the State of Illinois, the United States, or for violating any provisions of this Code until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released.

It shall be unlawful for any person to escape, attempt to escape, or to assist any prisoner to escape, or attempt to escape from the Village Jail.

It shall be unlawful for any person to communicate with any prisoner held in the Jail without the permission of the Chief of Police or the President. (1944 Code, Sec. 111)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 11-3-2.

CHAPTER 16
CORPORATE SEAL

SECTION:

1-16-1: Corporate Seal

1-16-1: **CORPORATE SEAL:** The corporate seal of the Village shall be the Seal heretofore used for the Village, a circular disk containing the words "Village Seal" within a circle formed by the words "Morton, Tazewell County, Illinois." (1944 Code, Sec. 113)

CHAPTER 17

FISCAL YEAR/INAUGURATION

SECTION:

- 1-17-1: Fiscal Year
- 1-17-2: Inauguration

- 1-17-1: **FISCAL YEAR:** The fiscal year of the Village shall begin on the first day of May of each year and end on the thirtieth day of April.¹ (1944 Code, Sec. 114)
- 1-17-2: **INAUGURATION:** All persons elected to a position within the Village shall commence their term on the first Monday in May following the election. (Ord. 00-31, 9-18-00)

¹ Defined by S.H.A. Ch. 24, Sec. 1-1-2(5).

CHAPTER 18
SURETY BONDS

SECTION:

- 1-18-1: Surety Bonds
1-18-2: Additional Surety

1-18-1: **SURETY BONDS:** Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or the exercise of any specific privilege, the surety on such bond, when requested by the Board of Trustees, shall be a corporation licensed and authorized to do business in this State as a surety company.¹ (1944 Code, Sec. 117)

1-18-2: **ADDITIONAL SURETY:** Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the Board of Trustees may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his assignee, the Board shall declare the bond to be void, and thereupon such principal, or assignee, shall be deemed to have surrendered the privilege or position as a condition of which the bond was required. (1944 Code, Sec. 118)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3.

CHAPTER 19

ILLINOIS MUNICIPAL RETIREMENT FUND

SECTION:

- 1-19-1: Village To Participate
1-19-2: Agent Appointed

1-19-1: **VILLAGE TO PARTICIPATE:** The Board of Trustees of the Village does hereby elect that said Village participate in the Illinois Municipal Retirement Fund, effective January 1, 1961. (Ord. 226, 11-7-60)

1-19-2: **AGENT APPOINTED:** The Business Manager shall be the duly appointed and designated agent authorized to act for the Village in all or any matters pertaining to the Illinois Municipal Retirement Fund Act.¹ (Ord. 226, 11-7-60; amd. Ord. 80-52, 3-31-81; Ord. 81-4, 5-4-81; Ord. 82-15, 10-18-82)

¹ For Statute authority, see S.H.A. Ch. 108 1/2, Sec. 7-101 et seq. amd. 1963, 1967, 1968.

CHAPTER 20
VILLAGE ENGINEER

SECTION:

- 1-20-1: Appointment
- 1-20-2: Duties
- 1-20-3: Superintendent Of Public Works' Functions

1-20-1: **APPOINTMENT:** The President, with the consent of the Board of Trustees, may from time to time retain an engineer or engineering firm to represent and advise the Village on engineering matters.

1-20-2: **DUTIES:** The engineer or engineering firm shall perform such duties as are required by the terms and conditions of the engagement, and shall receive the compensation provided for in such engagement.

1-20-3: **SUPERINTENDENT OF PUBLIC WORKS' FUNCTIONS:** In the absence of the engagement of an engineer or engineering firm, the Superintendent of Public Works shall perform and be responsible for all duties as provided for in any Ordinance of the Village which refers to the Village Engineer. (Ord. 80-43, 4-6-81)

CHAPTER 21

VACANCIES IN MUNICIPAL OFFICE

SECTION:

- 1-21-1: Implementation of Procedure
- 1-21-2: Determination of Vacancy
- 1-21-3: Removal

1-21-1: **IMPLEMENTATION OF PROCEDURE:** In the event it appears a vacancy exists in a municipal office for any of the reasons enumerated in 65 ILCS 5/3.1-10-50, a member of the Board of Trustees may present those facts to the Board of Trustees.

1-21-2: **DETERMINATION OF VACANCY:** After all facts pertaining to the applicability of 65 ILCS 5/3.1-10-50 have been presented to the Board of Trustees, upon majority vote of the corporate authorities, a determination shall be made as to whether or not a vacancy exists.

1-21-3: **REMOVAL:** If a majority of the corporate authorities determines that a vacancy exists as described in 65 ILCS 5/3.1-10-50, the officer shall be removed from office.
(Ord. 04-30, 9-7-04)

CHAPTER 22

FREEDOM OF INFORMATION OFFICERS

SECTION:

- 1-22-1: Creation of Office
- 1-22-2: Police Department
- 1-22-3: Fire & Paramedic Departments
- 1-22-4: All Other Departments
- 1-22-20: Designees

- 1-22-1: **CREATION OF OFFICE:** There is hereby created the office of Freedom of Information Officer. There will be one for each department as specified in this Chapter.
- 1-22-2: **POLICE DEPARTMENT:** The Freedom of Information Officer shall be the Deputy Chief of Police.
- 1-22-3: **FIRE & PARAMEDIC DEPARTMENTS:** The Freedom of Information Officer shall be the Director of Fire & Emergency Services.
- 1-22-4: **ALL OTHER DEPARTMENTS:** The Freedom of Information Officer shall be the Village Clerk.
- 1-22-20: **DESIGNEES:** Each Freedom of Information Officer may designate one or more persons to fulfill their duties in their absence. Such designation shall be made in writing and filed with the President of the Board of Trustees. Such designation may be changed at any time by revoking the prior designation and filing a new one, as provided herein. (Ord. 09-35, 12-21-09)

CHAPTER 23

VILLAGE ADMINISTRATOR

SECTION:

- 1-23-1: Creation of Office
- 1-23-2: Assumption of Duties
- 1-23-3: General Duties
- 1-23-4: Assignment of Specific Duties
- 1-23-5: Treasurer Signature

- 1-23-1: **CREATION OF OFFICE:** There is hereby created the office of Village Administrator, who shall be appointed by the President with the consent of the Board of Trustees.
- 1-23-2: **ASSUMPTION OF DUTIES:** The Village Administrator shall perform all duties of the Treasurer/Comptroller as set forth in Title 1 Chapter 8.
- 1-23-3: **GENERAL DUTIES:** The Village Administrator shall also have the following general duties:
- (A) Risk Management
 - (B) Insurance Administration
 - (C) Personnel Management
 - (D) Preparation/filing of annual appropriation ordinance & tax levy
 - (E) Supervision of the administration department, information and technology development and office of tourism
 - (F) Review of liquor license applications and renewals
- 1-23-4: **ASSIGNMENT OF SPECIFIC DUTIES:** In addition to the duties set forth in Sections 2 and 3, the President of the Board of Trustees may from time to time assign additional specific duties.
- 1-23-5: **TREASURER SIGNATURE:** Where a document requires a signature by the Treasurer, the Village Administrator shall execute same in his or her capacity as Treasurer.
(Ord. 12-30, 4-1-13)

CHAPTER 24

BIDDING AND CONTRACT PROCEDURES

SECTION:

- 1-24-1: Bidding and Contract Procedures
 1-24-2: Minimum Insurance Requirements

1-24-1: **BIDDING AND CONTRACT PROCEDURES:**

(A) *Competitive Bidding Required:* Any work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of equipment, contracts for supplies and materials, and service contracts, except as specifically provided herein, be based whenever possible on competitive bids.

(B) *Formal Contract Procedure:* All work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of equipment, contracts for supplies and materials and service contracts, except as otherwise provided herein, when the estimated cost thereof exceeds ten thousand dollars (\$10,000.00), shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two thirds of the trustees then holding office. Civil projects of less than twenty thousand dollars (\$20,000.00) may be authorized by the Director of Public Works without formal bidding.

In the event the Chief of Police determines that the state bid for a police car is such that dealers located in the Village cannot match it or better it, then formal bidding shall not apply to the purchase of that vehicle.

(C) *Advertisements For Bids:* A notice inviting bids shall be published at least once in a newspaper with general circulation within the Village and at least ten days before bids are due. The Village shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Village hall and on its website.

(D) *Scope of Notice:* The newspaper notice required herein shall include a general description of work to be performed or the articles to be purchased, shall state where specifications may be secured, and shall specify the time and place for opening bids.

(E) *Bids Deposits:* When deemed necessary by the Board of Trustees, bid deposits shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the Board of Trustees. A successful bidder shall forfeit any bid deposit required by the Board of Trustees upon failure on his part to enter into a contract within ten days after the award.

Such bid may be in the form of a certified check, bond, or letter of credit in an amount as specified in the advertisement for bids to ensure finalization of the contract and to indemnify the Village against all loss, damages, and claims that may accrue against the Village as a consequence of the granting of the contract.

(F) *Bid Opening Procedure:*

1. *Sealed:* Bids shall be submitted sealed to the Village Administrator and shall be identified as bids on the envelope.

2. *Opening*: Bids shall be opened in public at a time and place stated in the public notice and by the person designated in the bid notice or such other persons as designated by the Village Administrator.
3. *Tabulation*: A tabulation of all bids received shall be by the Village Administrator or his or her designee, and the bids shall be furnished to the Board of Trustees prior to the meeting where the Board of Trustees will consider the awarding of a bid.

(G) *Rejection of Bids*: The Village, through its corporate authorities, shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) *Bidders in Default to Village*: The Village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses, or other money due the Village.

(I) *Report*: The Village administrator and applicable department head shall submit a bid report to the Board of Trustees prior to the meeting at which the bids will be considered. For any bids on vehicles or equipment, the chief mechanic or his supervisor shall also provide a report.

(J) *Award of Contract*:

1. *Authority in Village*: The Board of Trustees shall have the authority to award contracts within the purview of this section.

2. *Lowest Responsible Bidder*: Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interests of the Village to accept. In awarding the contract, in addition to the price, the Board of Trustees shall consider:

- (a) the ability, capacity, and skill of the bidder to perform the contract to provide the service required;
- (b) whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) the character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (d) the quality and performance of previous contracts or services;
- (e) the previous and existing compliance by the bidder with law and ordinances relating to the contract and service;
- (f) the sufficiency of the financial resources and ability of the bidder to perform the contract or provide service;
- (g) the quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- (h) the ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
- (i) the number and scope of conditions attached to the bid.

3. *Performance Bids*: The Board of Trustees shall have the authority to require a performance bond before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the Village and to conform to the statutory requirements for such bonds.

- (K) *Open Market Procedure:* All work and purchases of equipment, contracts for supplies and materials, and service contracts of less than the estimated value of ten thousand dollars (\$10,000.00) shall be made in the open market without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contract in such a manner so as to ensure the best interests of the public after solicitation of bids and proposals by mail, telephone, facsimile transmission or otherwise.
- (L) *Professional Services Exempt From Bidding Requirements:* All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers, and architects, and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the Village without observing the bidding procedures prescribed by this section for the award for formal contracts.
- Regular employment contracts in the municipal service shall likewise be exempt from the provisions of this ordinance.
- (M) *Emergency Purchases:* In case of any apparent emergency that requires immediate work or purchase of supplies, materials, or services, the board of trustees shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, or services regardless of the amount of the expenditures. A finding of such an emergency shall be made in an affirmative vote of at least two thirds of the Board of Trustees at the time of such emergency contract or no later than the first regular Village Board meeting thereafter.
- (N) *Cooperative Purchasing:* The Village shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the Village would be served thereby. (Ord. 13-03, 7-15-13)

1-24-2: **MINIMUM INSURANCE REQUIREMENTS:**

- (A) **APPLICABILITY:** The provisions of this section shall apply to all independent contractors who enter into contracts with the Village of Morton for the performance of labor and/or services for the Village of Morton on or after April 1, 2018, except those independent contractors whose written agreement with the Village of Morton provides for lessor or different insurance requirements and further excluding contractors providing professional services to the Village who shall be required to maintain such professional liability insurance as may be required by the Village of Morton from time to time.
- (B) **ADDITIONAL INSURED:** Independent contractors shall provide a Certificate of Insurance to the Village of Morton which shall name the Village of Morton as an additional insured on independent contractors liability policy for claims arising out of the independent contractor's products and/or completed operations or made by their employees, agents, guests, customers, invitees or subcontractors, which liability insurance policy shall be the primary insurance in the event of a covered claim or cause of action against the Village of Morton and on a non-contributory basis.
- (C) **SUBCONTRACTOR COVERAGE:** Independent contractors shall be required to verify that all subcontractors maintain general liability insurance, workers compensations insurance and automobile liability insurance as required by this Section. All subcontractors proof of insurance shall include a per project aggregate limit for its commercial general liability insurance.
- (D) **WAIVER OF SUBROGATION:** The Village of Morton shall not waive any rights of recovery against independent contractors from damages resulting from the negligent acts of the independent contractor associated with the contract. Independent contractors policy shall include waiver of subrogation for general liability, auto liability and workers compensation coverages.

- (E) GENERAL LIABILITY INSURANCE: Any independent contractor shall maintain commercial general liability insurance in the amount of not less than one million dollars (\$1,000,000.00) per occurrence.
- (F) AUTOMOBILE LIABILITY INSURANCE: Any independent contractor shall maintain automobile liability insurance for any owned autos, hired autos or non-owned autos used in connection with the contractor's business with the Village of Morton. Automobile liability insurance coverage shall be maintained by the contractor/service provider in the minimum amount of one million dollars (\$1,000,000.00) combined single limit.
- (G) WORKERS COMPENSATION INSURANCE: Any independent contractor of the Village of Morton shall maintain workers compensation insurance as required by law.
- (H) PROFESSIONAL ERRORS AND OMISSIONS COVERAGE: Any independent contractor who provides professional services, such as designing or planning construction projects or completing engineering or architectural drawings shall maintain professional errors and omissions coverage in the amount of not less than one million dollars (\$1,000,000.00) with additional insured to apply in favor of the Village of Morton.
- (I) UMBRELLA INSURANCE: Any independent contractor shall maintain an umbrella insurance policy in the amount of not less than one million dollars (\$1,000,000.00) per occurrence.
- (J) THIRD PARTY EMPLOYERS LIABILITY COVERAGE: Any independent contractor shall maintain third party employer's liability coverage in the amount of not less than five hundred thousand dollars (\$500,000.00) per each employee.

(Ord. 17-34, 2-5-18)

CHAPTER 25

LOCAL GOVERNMENT TRAVEL CONTROL ACT POLICY

SECTION:

- 1-25-1: Definitions, General
- 1-25-2: Permissible Reimbursable Travel Expenses
- 1-25-3: Maximum Allowable Reimbursement
- 1-25-4: Standardized Form for Submission of Expenses
- 1-25-5: Reimbursement for Entertainment Expenses Prohibited
- 1-25-6: Board of Trustees Travel Expenses

1-25-1: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this chapter, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

ENTERTAINMENT: The term "Entertainment" includes but is not limited to shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

TRAVEL EXPENSE: The term "Travel Expense" means any expenditure directly incident to official travel by employees or officers of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

1-25-2: **PERMISSIBLE REIMBURSABLE TRAVEL EXPENSES:** It is the policy of the Village of Morton to reimburse only reasonable and necessary travel expenses incurred by employees, officers, or agents of the Village of Morton. The types of official business for which travel expenses are allowed is as follows:

- (A) Professional Education.
- (B) Professional Certifications or Trainings.
- (C) Professional Association or Club conferences.
- (D) Lobbying activities on behalf of the Village of Morton.
- (E) The conduct of meetings which cannot conveniently be held within the corporate boundaries of the Village of Morton.
- (F) Such other events or occurrences as may be necessary to adequately and fully attend to the duties and responsibilities assigned to the officer or employee.

1-25-3: **MAXIMUM ALLOWABLE REIMBURSEMENT:** The maximum allowable reimbursement to be paid to any employee for travel expenses which can be reimbursed to the employee without advanced board approval is \$1,000.00. In the event of an emergency or other extraordinary circumstances, travel expenses may be authorized and approved in an amount in excess of the maximum allowable limit otherwise provided herein by the Mayor. In order to approve non-emergency travel expenses in excess of the limits provided herein, the corporate authorities of the Village of Morton must approve the reimbursement.

1-25-4: **STANDARDIZED FORM FOR SUBMISSION OF EXPENSES:** The Village Administrator shall prepare and promulgate a standardized form for submission of travel expenses and shall be made available on request to any employee or officer of the Village. The standardized form shall require the employee or officer seeking reimbursement to submit documentation along with their request for reimbursement, which documentation satisfies the requirements of Section 20 of the Local Government Travel Expense Control Act.

1-25-5: **REIMBURSEMENT FOR ENTERTAINMENT EXPENSES PROHIBITED:** The Village of Morton shall not reimburse any officer, employee or elected official for any entertainment expenses.

1-25-6: **BOARD OF TRUSTEES TRAVEL EXPENSES:** The Village of Morton shall not reimburse any travel expense of the Mayor or any member of the Board of Trustees unless reimbursement has been approved by a roll call vote of the Board of Trustees at an open public meeting.

(Ord. 16-13, 1-3-17)