

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 1

MAYOR AND BOARD OF TRUSTEES

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SECTION 2-101. COMPOSITION AND GENERAL POWERS.

The Village Board shall consist of six (6) Trustees, elected in conformity with this Code and State law governing elections in Villages and shall have such powers as are granted by Chapter 65, Illinois Compiled Statutes, as amended. The term of office shall be for four (4) years, or until their successors are elected and have qualified.

SECTION 2-102 MEETINGS.

~~The regular meetings of the Board shall be held on the first (1st) and third (3rd) Monday of each month at the hour of 7:00 P.M., provided that if the regular meeting falls on a legal holiday, the meeting shall take place on the Tuesday following at the same hour and place. Adjourned meetings may be held at such times as the Board may determine. (Ord 1532, 11/3/08)~~

~~The regular meetings of the Board shall be held on the first (1st) and third (3rd) Monday of each month at the Village Government Center at 7:00 p.m. or immediately after the conclusion of the meetings of the committee of the Board, if after 7:00 p.m. If the regular meeting falls on a legal holiday, the meeting shall take place on the Tuesday following at the same time. Adjourned meetings may be held at such times as the Board may determine. (Ord 1532, 11/3/08)~~

The regular meetings of the Board shall be held on the first (1st) and third (3rd) Mondays of each month at the Village Government Center at 7:30 p.m. If the regular meeting falls on a legal holiday, the meeting shall take place on the Tuesday following at the same time. Adjourned meetings may be held at such times as the Board may determine. (Ord 1750, 06/06/2016)

SECTION 2-103. SPECIAL MEETINGS.

Special meetings of the Village Board may be called by the Mayor or any three (3) Trustees by giving at least twenty-four (24) hours notice of the time of such meeting. Such notices shall be served by mail, or by any of the Village police officers. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the Swansea Government Center and shall be provided to any local newspaper of general circulation, or any local radio or television station, that has filed an annual request for such notice. Said notice shall be given to the Mayor and members of the Village Board, provided such news media has given an address within the Village at which notice may be given. (Ill. Com. Stat., Ch. 65; Section 5/3-11-3 and Ch. 5; Sec. 120/2.02 and 120/2.03)

SECTION 2-104. VACANCIES ON THE VILLAGE BOARD.

- (A) If a vacancy occurs on the Village Board and more than twenty-eight (28) months remain in the term and the vacancy occurs at least one hundred thirty (130) days before the next general municipal election, the office shall be filled for the unexpired portion of the term by special election at that general municipal election. During the period from the time that the vacancy occurs until the next election of Trustees, the vacancy may be filled by the appointment of a Trustee by the Mayor, with the advice and consent of the Village Board. (Ill. Com. Stat., Ch. 65, Section 5/3-2-7)
- (B) If a vacancy occurs in the office of the Mayor and more than twenty-eight (28) months remain in the term and the vacancy occurs at least one hundred thirty (130) days before the next general municipal election, the office shall be filled for the unexpired term by special election at that general municipal election. The Village Board shall elect one of its members Acting Mayor who shall perform the duties and possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified.

SECTION 2-105. COMMITTEES.

- (A) The following standing committees of the Village Board are hereby established:
 - (1) Personnel
 - (2) Finance
 - (3) Judiciary
 - (4) Business & Land Development
 - (5) Roads, Buildings, & Grounds
 - (6) Environmental
 - (7) Public Safety
 - (8) Parks

(9) Swansea Report Citizen Communications (Ord 1557, 10/19/09)

- (B) Committee members shall be appointed annually, by the Mayor, with advice and consent of the Village Board, at the first meeting in May, or as soon thereafter as is possible. (Ord 1499, 9/17/2007)
- (C) The Chairman of each committee shall also be appointed annually by the Mayor, with advice and consent of the Village Board, at that same meeting. (Ord 1499, 9/17/2007)
- (D) The Mayor shall be ex-officio chairman of each and every standing committee. As ex-officio chairman the Mayor shall not have a vote on any committee business to be considered, nor is the Mayor to be considered a necessary member for the purposes of quorum.
- (E) So far as is practicable, reports of committees shall be in writing.
- (F) As provided by law, any report of a committee of the Board shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any two Trustees present.
- (G) Each standing committee of the Village Board shall exercise a general supervision over the affairs of the department of municipal government with which it is connected; shall ascertain the condition and needs of said department; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the Department.
- (H) The regular meetings of the Committees shall be held on the first (1st) and third (3rd) Monday of each month at the hour of 6:00 P.M., provided that if the regular meeting falls on a legal holiday, the meeting shall take place on the Tuesday following at the same hour and place. The Parks Committee, in addition to the above referenced meeting time, may meet, at the call of the Chairman, five minutes prior to the meeting time of the Park Board. Recessed meetings may be held at such times as the appropriate committee may determine. (Ord 1490, 5/23/2007, Ord 1526, 8/ 4/2008)

SECTION 2-106. SPECIAL COMMITTEES.

Special committees may be appointed by the Mayor, subject to the advice and consent of the Trustees as may be needed from time to time.

SECTION 2-107. QUORUM.

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

- (A) In order to constitute a quorum for all public meetings of the Village Board, a majority of the quorum must be physically present for the transaction of business, but a lesser number may organize and adjourn, from day to day, and may compel the attendance of absent members.
- (B) At a regular meeting, special meeting or committee meeting of the Board of Trustees, if a quorum is physically present, a Trustee or the Village President ("Board Member") may attend the meeting by video or audio conference if the Board Member is prevented from physically attending because of (i) personal illness or disability, (ii) employment purposes or the business of the Village, or (iii) family or other emergency, so long as the Board Member notifies the Village Clerk before the meeting (unless advance notice is impractical) and the Board Member participates by video or audio conference for the entire meeting.
- (C) After a roll call establishing that a quorum is physically present where a Board Member desires to attend by video or audio conference, the presiding officer shall state that (i) notice was received by a Board Member to attend by video or audio conference, and (ii) the Board Member will be deemed authorized to attend, unless a motion objecting to the Board Member's attendance is made, seconded, and approved by two-thirds of the Corporate Authorities physically present at the meeting.
- (D) The provisions of this section also apply to closed meetings. (Ord 1480, 01/22/2007)

SECTION 2-108. RULES OF THE VILLAGE BOARD.

The following rules of order and procedure shall govern the deliberations and meetings of the Village Board.

- (A) **Rules of the Board.** The Roberts Rules of Order, current edition, is hereby adopted as the rules of the Village Board of Trustees of the Village of Swansea.
- (B) **Censure of Trustees - Expulsion of Trustees.** Any Trustee acting or appearing in a lewd or

disgraceful manner, or who uses abusive, obscene or insulting language to or about any member of the board, or who does not obey the order of the chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a two-thirds (2/3) vote of all Trustees then holding office. (*Ill. Com. Stat., Ch. 65; Sec. 3-11-11, 1992*)

- (C) Any person wishing to speak at a meeting of the Board of Trustees or a meeting of a committee thereof on a matter on the meeting's agenda shall first raise their hand to be recognized by the meeting chairperson. The speaker shall wait for recognition by the chairperson, then state their name and relationship to the matter under discussion, and then offer their comment. Any person wishing to place a matter ~~on a matter not~~ on the agenda shall first contact any Trustee or the Mayor no later than 4:30 p.m. on the Thursday Friday prior to the meeting so that the matter can be referred to the proper committee of the Board of Trustees. (Ord 1630, 11/7/2011)(Ord 1683, 08/19/13)

SECTION 2-109. ORDINANCES.

- (A) **Introduced.** A bill for ordinance shall be introduced in the appropriate committee and shall be read one time. After review by the appropriate committees said bill will be reported to the Board of Trustees for action.

~~(B) **Bill Readings.** Bills shall be read and considered in a committee meeting and in the Board of Trustees meeting on different dates. There shall be a lapse of six days from the date the committee reports a bill to the Board of Trustees to the date on which the bill shall be considered by the Board of Trustees. If an emergency exists, which is defined as a matter in which a reasonable person would consider there to exist a need to act immediately, then a bill may be considered on the same day it is reported by the committee to the Board of Trustees, if so approved by affirmative vote of five Trustees. Said reasons for declaration of an emergency and the vote on the declaration shall be recorded on the journal of proceeding. In case of amendments to bills, if the Board adopts an amendment which changes the original bill, there shall be a lapse of six days before the Board of Trustees shall consider the amended bill for adoption. (Ord. 1520, 8/4/08)~~

- (B) **Board Consideration.** While the general preference of the Board of Trustees is that ordinances considered in a committee meeting occurring on the same date as a meeting of the Board of Trustees, not be acted on by the Board of Trustees until a subsequent meeting, nothing in this Municipal Code shall prevent the Board of

Trustees from doing so, and in fact there may be instances where the necessity for timely action by the Board of Trustees makes it prudent that action be taken on the same day. Therefore, the Board of Trustees, in its sole discretion, may consider the ordinance on the same date as the date on which the ordinance is considered by a committee. (Ord 1757, 07/18/16)

- (C) **Passage by Yeas and Nays - Record.** The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the Village, or for the expenditure or appropriation of its money, and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of a majority of all the members elected in the Village Board shall be necessary for the passage of any such ordinance or proposition; provided it shall require three-fourths (3/4) of the Trustees to sell any Village property. (Ord. 1529, 08/4/2008)
- (D) **Approval and Veto.** All ordinances passed by the Village Board shall, before they take effect, be deposited in the office of the Village Clerk, and if the Mayor approves thereof, he shall sign the same, and such as he shall not approve, he shall return to the Village Board, with his objections thereto in writing at the next regular meeting of the Village Board occurring no less than five (5) days after the passage thereof. Such veto may extend to any one (1) or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the Mayor shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly. (Ord. 1529, 8/4/2008)
- (E) **Reconsideration - Passing Over Veto.** Upon the return of any ordinance by the Mayor, the vote by which the same has passed shall be reconsidered by the Village Board, and if after such reconsideration, two-thirds (2/3) of all of the members elected to the Village Board shall agree by yeas and nays to pass the same, it shall go into effect, notwithstanding the Mayor may refuse to approve thereof. The vote to pass the same over the Mayor's veto shall be taken by yeas and nays and entered in the Journal of Minutes. (Ord. 1529, 8/4/2008)

SECTION 2-110. ELECTION PROCEDURE.

The provisions of the Illinois Compiled Statutes, Chapter 65, Section 5/3-2-2, et seq., concerning

municipal elections shall govern the conduct of Village elections.

Inauguration of newly elected officers shall occur at the first regular or special meeting of the Board of Trustees in the month of May, following the proclamation of the results of the regular municipal election at which such officers were elected. The terms of such offices shall commence at that time.

SECTION 2-111. MUNICIPAL OFFICERS / EMPLOYEES - REGULATIONS.

- (A) **Effect.** The provisions of this division shall apply alike to all officers and employees of the Village, regardless of the time of creation of the office or position or the time of the appointment of the officer or employees.
- (B) **Bond.** Every officer and employee shall, if required by the Village Board, give a bond upon entering upon the duties of his office in such amount and with such sureties as may be determined by the Board, conditioned upon the faithful performance of the duties of his office or position.
- (C) **Appointment.** At the first meeting of May in each year, or as soon thereafter as possible, there shall be appointed by the Mayor, with the advice and consent of the Village Board, all appointive Village Officers who shall hold their several offices for the term of one (1) year, unless otherwise specified, until their successors are appointed and qualified.
- (D) **Offices Vacated by Removal.** Any officer of the municipality who leaves the municipality with the intention of permanently residing outside the limits thereof shall be deemed to have vacated his office.
- (E) **Leave of Absence.** Any officer desiring to be temporarily absent from the municipality shall apply to the Mayor for a leave of absence, which may, in the discretion of the Mayor, be granted in writing for any time, and when granted, shall be filed with the Clerk.
- (F) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture and other things appertaining to such office, and which are the property of the Village. Within five (5) days after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall,

upon conviction, be penalized according to the provisions of Section 1-114 of this Code.

- (G) **Books Open to Inspection.** Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the Mayor, or any committee or member of the Board.
- (H) **Fees.** No officer of the municipality shall be entitled to charge or receive any fees as against the Village.
- (I) **Report of Fees.** All officers of the Village entitled to receive fees shall keep a correct account thereof and make a report thereof, under oath, to the Village Board at the second (2nd) meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the Village Treasury.
- (J) **Other Rules and Regulations.** Every officer of the Village shall perform such other duties and be subject to such other rules and regulations as the Board may provide by law.
- (K) **Oath.** Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed, shall take and subscribe to the following oath:

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

SECTION 2-112. VILLAGE OFFICES CONSOLIDATED.

- (A) The Village Board may, from time to time, by law, impose upon any officer filling any office created by the ordinances of the Village, any such other or further duties as shall be consistent with the laws of this State, and may consolidate any two (2) or more of the offices and impose the duties thereof upon any other officer and may make any such regulations respecting such offices as shall be consistent with the laws of this State.
- (B) In case the Village Board consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he would not have been entitled to receive if such consolidation had not taken place.

SECTION 2-113. CONTRACTS.

- ~~(A) All contracts for purchases by the Village shall be in compliance with the statutes of the State of Illinois.~~
- ~~(B) Any work or public improvement which is not to be paid for in whole or in part by special assessment or special taxation when the expense thereof will exceed ten thousand dollars (\$10,000.00) shall be constructed either:~~

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

~~(2) If authorized by a vote of two thirds (2/3) of all the Trustees or Board members then holding office, the Department Head shall supervise and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor therein, laborers, or artisans whom the municipality shall pay by the day or hour; and all material of the value of ten thousand dollars (\$10,000.00) and upward used in the construction of the work or the public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed by the Code of the Village. However, nothing contained in this Chapter shall apply to any contract by the Village with the Federal Government or agents thereof.~~

~~(C) **Definition.** The lowest responsible bidder does not mean the lowest bidder financially only, but shall mean the bidder who, by experience and other qualifications is deemed most capable of performing the work required in a satisfactory manner.~~

~~(D) **Quotations.** The Village Board, however, requires that purchases over \$1,500.00 shall be acquired only after three (3) quotations are submitted to the proper committee.~~

SECTION 2-113. CONTRACTS AND PURCHASES.

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

(B) Public Improvement Contracts exceeding \$20,000. Any work or public improvement, the expense of which is expected to exceed twenty thousand dollars (\$20,000.0), but which is not to be paid for in whole or in part by special assessment or special taxation, shall be constructed:

- (1) By a contract let to the lowest responsible bidder after advertising for bids in the manner prescribed by ordinance; or
- (2) By a contract entered into by the proper officers, without advertising for bids, provided that said approach is authorized by a vote of two-thirds (2/3) of all Trustees then holding office; or
- (3) By a Department Head, who shall supervise and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor therein, laborers, or artisans whom the municipality shall pay by the day or hour, provided that said approach is so authorized by a vote of two-thirds (2/3) of all Trustees then holding office; and further provided that all material used in the construction of the work or the purchased by contract let to the lowest responsible bidder in the manner prescribed by this Municipal Code. Nothing contained in this Section, however, shall apply to any contract by the Village with the Federal Government or any agency thereof.

(C) The purpose of (B) above, "lowest responsible bidder" does not mean the lowest bidder financially only, but shall mean the bidder who, by experience and other qualifications is deemed most capable of performing the work or providing satisfactory services or goods required in a satisfactory manner.

(D) Other Purchases. Purchases for any work or public improvement, the expense of which does not exceed twenty thousand dollars (\$20,000.00) or for other goods or services that are not a public work or public improvement, shall be made in accordance with the following provisions:

- (1) **Purchases Up To \$1,000.00.** Purchases for incidental materials, supplies and services up to and including a value of \$1,000.00, may be made under the authority of a department head, without pre-approval, provided sufficient funding is available in the municipal budget for said purchase;

- (2) **Purchases Between \$1,000.00 and \$5,000.00.** Purchases between \$1,000.00 and \$5,000.00 may be made under the authority of the Village Administrator, or by a department head with written pre-approval from the Village Administrator, provided sufficient funding is available in the municipal budget for said purchase;

- (3) **Purchases over \$5,000.00.** Non-emergency purchase that are expected to exceed \$5,000.00, shall be pre-approved by the Board of Trustees, in resolution form, with proposal contract, and / or tabulation sheet attached, as each is applicable to the purchase, provided, however, that customary purchases for those goods and services which are known, essential for the continued operation of Village services, and specifically identified in the Municipal Budget, do not require pre-approval by the Board of Trustees even is the cost is expected to exceed \$5,000.00. Examples of such purchases include fuel, utilities, wastewater treatment chemicals, principal and interest payments on loans, and similar expenses.

- (4) **Emergency Purchases or Repairs.** The but are deemed an emergency, or for which delaying the purchase in order to secure pre-approval from the Board of Trustees might adversely affect the health, safety or welfare of the Village, or impair the Village's ability to provide essential services, may be made under the authority of the Village Administrator with written consent of the President of the Board of Trustees and the Chairman of the Finance Committee. All purchases made under this provision are to be reported to the Board of Trustees at their next meeting.

(E) Competitive Quotes / Bids. Purchases under subsection (D)(2), (D)(3) or (D)(4) above, the cost of which is expected to exceed \$1,500.00, shall be made only after securing or attempting to secure at least three (3) competitive price quotations or bids from qualified vendors, in accordance with the following provisions:

- (1) While any such quotes / bids need not be sealed, and may be accepted through mail, email, fax or hand delivery, the price quoted / bid shall not be shared with any other vendor prior to the deadline for submittal, in order to preserve the integrity of the process;
- (2) Any resulting contract shall be let to, or purchase made from, the Most Qualified Vendor. "Most Qualified Vendor" does not mean the vendor offering the lowest price

only, but shall mean the vendor who, by experience and other qualifications is deemed most capable of performing the work and/or providing the services or goods required in a satisfactory manner.

(3) While at least three competitive quotes or bids are preferred, if, after a reasonable effort, the Village is unsuccessful in obtaining three quotes / bids, the purchase may be made on the basis of quotes / bids received. A refusal by a vendor to submit a quote / bid may be considered as one of the three quotes / bids referenced herein;

(4) Competitive quotes / bids shall not be required when equipment, vehicles, or other commodities are part of a State Bid or similar list where another entity or consortium has utilized a process of competitive bidding to create a list of items and prices, and the Village is allowed to buy from that list at the established competitive prices.

(F) Sole Source Purchases. Competitive quotes / bids are not required when the goods or services needed are proprietary, can only be provided by a single source, where shipping costs or the geographical location of service of installation staff in relation to the Village are excessive and would significantly impact cost, or when no other more standardized goods or services would reasonable satisfy the Village's requirements.

(G) Service Contracts. Where the Village has entered into a contract with a vendor who provides specific services to the Village, such as information technology or payroll support, or maintaining equipment, vehicles or facilities, and that vendor has established a relationship with the Village, continues to provide satisfactory services, and has maintained the same or nearly the same charges for those services, the Village may choose to renew the service contract with said vendor without seeking competitive bids / quotes.

(H) Professional Services Contracts. Professional services, including architectural, engineering and surveying services, shall be selected on the basis on qualifications, and not on price, in accordance with state statutes. (Ord 1754, 07/05/16)

SECTION 2-114. CLAIMS.

(A) Presentation. All claims against the Village for goods purchased, for damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance, shall be presented to the Village Board of

Trustees at its regularly scheduled meetings. All such claims must be in writing and items shall be specified.

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

(A) Presentation. All claims against the Village for goods purchased for damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance, and except for claims referred to in subsection B hereinbelow, shall be presented to the Village Board of Trustees at its regularly scheduled meetings at which time the Village Board of Trustees shall determine whether such claims shall be paid. All such claims must be in writing and items shall be specified.

(B) Exception. If the following expenditures are an approved budget line item and there are sufficient funds to make the payment, the Village Treasurer is hereby authorized to pay the following claims upon receipt of a warrant list and prior to Village Board approval:

1. Utilities, when necessary to meet payment deadlines or to avoid penalty;
2. Insurance premiums, when necessary to meeting payment deadlines;
3. Principal and interest payments on long term debt, when necessary to meet payment deadlines and to avoid late charges;
4. Monthly payments for on-going services provided under Board approved contracts, when necessary to meet payment deadlines;
5. Required payments to other Governmental Agencies, when necessary to meet payment deadlines;
6. Postage or other critical commodities if failure to replenish in a timely manner would inhibit the Village's ability to provide essential services; and
7. Refunds due to sewer system customers.

A special warrant list of all such prepaid bills shall be presented in the Village Board of Trustees at its next regular meeting. (Ord 1751, 06/06/2016)

SECTION 2-115. ELECTION OF MAYOR.

The Mayor shall be elected for a four (4) year term and shall serve until his successor is elected and has qualified.

SECTION 2-116. SUPERVISORY POWERS.

The Mayor shall be the chief executive officer of the Village, shall preside over the meetings of the Board, and shall perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and employees of the Village and shall have the power and authority to inspect all books and records pertaining to Village affairs and kept by any officer or employee of the Village at any reasonable time. (*Ill. Com. Stat. Ch. 65; Sec. 5/3-11-6 and 5/3-11-3*)

SECTION 2-117. APPOINTMENT OF OFFICERS.

(A) At the first annual meeting in May, the Mayor shall appoint, by and with the advice and consent of the Village Board, all officers of the Village whose election or appointment is not otherwise provided for, and said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in any appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality.

(B) From time to time as needed, the Mayor shall appoint, with the advice and consent of the Village board of Trustees, a three-member negotiating team to represent the Village in the negotiation of collective bargaining agreements with employees. The Negotiating Team shall consist of a Lead Negotiator and two Assistant Negotiators. The Village Attorney, by virtue of his office, shall serve as a member of the Negotiating Team in either the lead Negotiator or Assistant negotiator position. The Lead Negotiator and Assistants shall serve for the duration of any pending negotiations, but shall not serve beyond the current term of the appointing Mayor. (Ord 1640, 04/02/12)

SECTION 2-118. REMOVAL OF OFFICERS.

The Mayor shall have the power to remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the Village demand such removal. He shall report the reasons for such removal to the Board at a meeting to be held not less than five (5) days, nor more than ten (10) days after such removal. If the Mayor shall fail or refuse to file with the Clerk a statement of the reasons for such removal, or if the Board, by a two-thirds (2/3) vote of all its members authorized by law to be elected by yeas and nays to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was removed, but he shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

SECTION 2-119. DESIGNATION OF OFFICERS' DUTIES.

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

SECTION 2-120. MAYOR PRO-TEM.

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

SECTION 2-121. SIGNATURE.

The Mayor shall sign all Village warrants, commissions, permits and licenses granted by authority of the Board, except as otherwise provided and such other acts and deeds as law or ordinance may require his official signature.

SECTION 2-122. FORMAL OCCASIONS.

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

SECTION 2-123. GENERAL DUTIES.

The Mayor shall perform all the duties, which are prescribed by law, and shall take care that the laws and ordinances are faithfully executed.

SECTION 2-124. RELEASE OF PRISONERS.

The Mayor may release any person imprisoned for violation of any Village ordinance and shall report the release with reasons therefore, to the Trustees at their first meeting thereafter.

SECTION 2-125. LIQUOR COMMISSIONER.

The Mayor is hereby designated as Liquor Commissioner with all the powers to license and/or revoke any Village Liquor License, according to State and Village laws.

SECTION 2-126. DECIDING VOTE - MAYOR.

The Mayor shall preside at all meetings of the Village Board. He shall not vote on any ordinance, resolution or motion, except:

- (1) where the vote of the Trustees has resulted in a tie; or
- (2) where one half (1/2) of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie; or
- (3) where a vote greater than a majority of the corporate authorities is required by the Illinois Revised Statutes to adopt an ordinance, resolution or motion.

In each instance specified, the Mayor shall vote. Nothing in this section shall deprive an acting Mayor or Mayor Pro-tem from voting in his capacity as Trustee, but he shall not be entitled to another vote in his capacity as Acting Mayor or Mayor Pro-tem.

~~SECTION 2-127. VILLAGE VEHICLE.~~

~~The Mayor of the Village of Swansea shall be provided with a Village-owned vehicle for his 24-hour use. The Village of Swansea shall pay for maintenance and gasoline expenditures. Said vehicle shall not be used for extended personal use. (Ord 1501, 10/16/07)~~

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CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 3

VILLAGE TREASURER

- SECTION 2-301. ESTABLISHMENT OF MUNICIPAL FINANCE DEPARTMENT.
- SECTION 2-302. VILLAGE TREASURER.
- SECTION 2-303. MONEY; WARRANTS; ACCOUNTS; PAYMENTS.
- SECTION 2-304. WARRANT REGISTER.
- SECTION 2-305. SEPARATION OF FUNDS.
- SECTION 2-306. BOND.
- SECTION 2-307. SPECIAL ASSESSMENTS.
- SECTION 2-308. BOOKKEEPING.
- SECTION 2-309. STATEMENTS.
- SECTION 2-310. YEAR-END REPORT.
- SECTION 2-311. DEPOSIT OF FUNDS.
- SECTION 2-312. INVESTMENTS.

SECTION 2-301. ESTABLISHMENT OF MUNICIPAL FINANCE DEPARTMENT.

There is hereby established a department of the municipal government of the Village which shall be known as the Finance Department of the Village Board and the Village Treasurer.

SECTION 2-302. VILLAGE TREASURER.

The Treasurer shall be elected at the same election as the Mayor for a term of four (4) years. He shall serve until his successor is elected and has qualified.

SECTION 2-303. MONEY; WARRANTS; ACCOUNTS; PAYMENTS.

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

The Treasurer shall prepare and maintain an itemized list of all monies received and shall immediately pay all such monies over to the Village Treasury and take a receipt therefore. At the second meeting of the Board of Trustees each month, the Treasurer shall report the balance in each of the Village's Funds as of the end of the preceding month.

SECTION 2-304. WARRANT REGISTER.

The Treasurer shall keep a register of all warrants redeemed and paid by him, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and when paid, and he shall cancel all warrants as soon as redeemed by him.

SECTION 2-305. SEPARATION OF FUNDS.

The Treasurer shall keep all moneys in his hands belonging to this Village separate and distinct from his own money, and he shall not use, either directly or indirectly the Village moneys or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this section shall subject him to removal from office by the Village Board. If the Treasurer is removed from office for cause as contained in this provision, the Mayor shall appoint a replacement with the advice and consent of the Board of Trustees to serve out the remainder of the term of the official removed.

SECTION 2-306. BOND.

The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the Village for any loss due to neglect of duty or wrongful act on his part. The amount of such bond shall be not less than ten percent (10%) of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding five (5) fiscal years, nor less than one and one-half (1 1/2) times the largest amount which the Board estimates will be in his custody at any one (1) time, nor less than three (3) times the number of residents of the Village, as determined by the last Federal Census.

Such bond shall be filled with the Clerk as required by statute.

SECTION 2-307. SPECIAL ASSESSMENTS.

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

SECTION 2-308. BOOKKEEPING.

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

SECTION 2-309. STATEMENTS.

The Municipal Treasurer shall report to the corporate authorities at the second (2nd) monthly meeting, a full and detailed account of all receipts and expenditures of the municipality, as shown by his books up to the time of the report.

SECTION 2-310. YEAR-END REPORT.

The Treasurer shall, annually, at the close of the fiscal year, make out and file with the Village Clerk a full and detailed report of all the receipts and expenditures of the corporation, as shown by his books, and of his transactions as such Treasurer, during the preceding fiscal year, and he shall show in such report the state of the Village Treasury at the close of said year, which report the Village Clerk shall publish as required by law.

SECTION 2-311. DEPOSIT OF FUNDS.

(A) **Designation by Board.** The Treasurer is hereby required to keep all funds and monies in his custody belonging to the Village in such places of deposit as have been designated by Section 2-312. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the Village in the custody of the Treasurer. When a bank has been designated as a depository, it shall continue as such depository until ten (10) days have elapsed after a new depository is designated and has qualified as proved by law. When a new depository is designated, the corporate authorities shall notify

the sureties of the Treasurer of that fact in writing at least five (5) days before the transfer of funds.

(B) **Qualifications of Bank.** No bank shall be qualified to receive Village funds or money until it has furnished the corporate authorities with copies of the last two (2) sworn statements of resources and liabilities which the bank is required to furnish to the auditor of public accounts or to the comptroller of currency. Each bank designated as a depository for such funds or monies shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the auditor or public accounts or to the comptroller of currency.

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

SECTION 2-312. DESIGNATED DEPOSITORIES

(A) ~~The following banks and financial institutions are herewith designated as places of deposit where the Treasurer of the Village is authorized to keep all funds and monies in his custody belonging to the Village:~~

- ~~(1) Union Planters Bank~~
- ~~(2) UMB 1st National Bank of Illinois~~
- ~~(3) West Pointe Bank~~
- ~~(4) Union Bank~~
- ~~(5) Illinois Public Treasurer's Investment Pool~~
- ~~(6) Bank of America~~
- ~~(7) First County Bank~~
- ~~(8) Illinois Local Government Investment Trust~~
- ~~(9) Associated Bank~~
- ~~(10) Bank of O'Fallon~~
- ~~(11) Community 1st Bank~~
- ~~(12) First Star Bank~~
- ~~(13) Southwest Bank~~
- ~~(14) First National Bank of Millstadt~~
- ~~(15) First Bank~~
- ~~(16) Peoples National Bank~~
- ~~(17) U.S. Bank~~

The Treasurer of the Village of Swansea is authorized to deposit funds and monies in his custody belonging to the Village in various banks and financial institutions as necessary to ensure the Village of Swansea is able to obtain most competitive rates of return for their investments.
(Ord 1423, 07/05/05)

SECTION 2-313. INVESTMENT POLICY

- (A) **Policy.** It is the policy of the Treasurer of the Village of Swansea to invest all funds under the control of the Treasurer in a manner, to the best of his ability, which will provide the highest investment return using authorized instruments while meeting the Village's daily cash flow demands and in conformance with all Village and State statutes governing the investment of public funds. This policy shall apply to all investments entered into on or after the effective date of this ordinance. Until the expiration of investments made prior to the effective date of the Policy, such investments shall continue to be governed by the policies in effect at the time such investments were made.
- (B) **Objective.** The primary objective in the investment of Village funds is to ensure the safety of principal while managing liquidity to pay the financial obligations of the Village and providing the highest investment return using authorized investments.
- (C) **Safety.** The safety of principal is the foremost objective of the investment program. Village investments shall be undertaken in a manner, which seeks to ensure the preservation of capital of the portfolio. To attain this objective, diversification is required to ensure that the Treasurer prudently manages market, interest rate, and credit risk.
- (D) **Liquidity.** The investment portfolio shall remain sufficiently liquid to enable the Village to meet all operating requirements, which might be reasonably projected.
- (E) **Return on Investments.** The investment portfolio shall be designed to obtain the highest available return, taking into account the Treasurer's risk constraints and cash flow needs. The portfolio shall seek to obtain the highest investment return using authorized investments during budgetary and economic cycles as mandated in section 2-213 (A) of this Policy.
- (F) **Ethics and Conflicts of Interest.** Authorized investment officers, elected officials, and employees in policy-making positions shall refrain from personal business activity that could conflict with or impair their ability to make impartial decisions. Such individuals shall disclose to the Treasurer any material financial interests in financial institutions, which conduct business with the Village, and they shall further disclose any personal financial investment positions that could be related to the performance of the investment portfolio. Such individuals shall subordinate their personal investment transactions to those of the

investment portfolio, particularly with regard to the time of purchase and sales.

- (G) **Authorized and Suitable Investments.** The Treasurer is authorized to invest in the following types of investments subject to the provisions as provided in Swansea Municipal Code Section 2-312.
 - 1) General Obligation Securities of the United States of America or the State of Illinois.
 - 2) Interest Bearing Savings Accounts, Certificates of Deposit and Time Deposits in any bank where such investments are insured in the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation.
 - 3) Short-term discount obligation of the Federal National Mortgage Association.
 - 4) Money Market Mutual Funds registered under the Investment Company Act of 1940, as from time to time amended, provided that the portfolio of any such money market mutual fund is limited to bonds, notes, certificated of indebtedness, treasury bills, or other securities now or hereafter issued which are guaranteed by the full faith of the United States of America as to principal and interest, and including agreements to repurchase such obligations.
- (H) **Investment Restrictions.** The following investments are prohibited:
 - 1) Investments
 - 2) Leveraging of assets through reverse purchase agreements.
 - 3) Direct investments in tri-party repurchase agreements.Investments may not be made on any savings & loan association.
- (I) **Collateralization.** All Village deposits, repurchase agreements and securities lending shall be secured as required. Financial institutions shall submit to the Treasurer a listing of United States Government Securities that guarantee the safety of funds on deposit, the amounts of which exceed the insurance constraints of the Federal Deposit Insurance Corporation.
- (J) **Diversification.** The investment portfolio shall be diversified to eliminate the risk of loss resulting from concentration of assets in a specific maturity; a specific issuer, or a specific class of securities.

(K) **Safekeeping and Custody.** All security transactions entered into by the Treasurer shall be conducted on a delivery-versus-payment or receipt-versus-payment basis. Securities shall be held by a safekeeping agent designated by the Treasurer and evidenced by safekeeping receipts.

(L) **Internal Controls.** The Treasurer shall establish a system of internal controls, which shall be documented in writing and filed for review. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets or imprudent actions by authorized investment officers.

(M) **Asset Allocation.** The allocation of assets within investment categories authorized under section 2-313 (G) of this policy shall be approved by the Treasurer.

(N) **Competitive Bidding.** Authorized investment officers shall attempt to obtain competitive bids from at least three authorized institutions prior to executing the purchase or sale of any authorized investments.

Certificates of Deposit shall be purchased by authorized investment officers on the basis of a qualified financial institutions ability to pay a required rate of interest to the Treasurer set on a daily basis. Such rate is generally determined on the basis of treasury or other appropriate market rates for a comparable term.

(O) **Limitation of Liability.** The standard of prudence to be used by authorized investment officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Authorized investment officers acting in accordance with written procedures and this Policy and exercising due diligence shall be relieved of personal liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and necessary action is taken to control adverse developments.

(P) **Reporting.** The Treasurer shall develop performance reports in compliance with established industry reporting standards. The Treasurer reserves the right to amend this Policy at any time if with the advice and consent of the finance Committee of the Board of Trustees.

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 4 VILLAGE ATTORNEY

SECTION 2-401. APPOINTMENT OF ATTORNEY.

SECTION 2-402. DUTIES.

SECTION 2-403. PROSECUTOR'S FEES.

SECTION 2-404. SALARY.

SECTION 2-401. APPOINTMENT OF ATTORNEY.

- (A) The Attorney shall be appointed by the Mayor, by and with the approval of the Village Board for the term of one (1) year, unless sooner removed for cause, and until his successor shall have been appointed and qualified.
- (B) The Attorney shall have full charge of the law affairs of the Village, and shall be known as the Village Attorney of the Village and receive an annual salary as determined by the Board of Trustees, compensation for office services and advice, and shall receive reasonable fees for other services rendered when, in his judgment, or in the judgment of the Mayor or Village Board, the same are necessary or for the best interests of the Village.
- (C) The Mayor, with the advice and consent of the Village Board of Trustees, may appoint such additional counsel as, in his discretion, may be necessary for the proper prosecution of Village business. Said additional counsel shall be retained pursuant to the provisions of Section 2-401(A).

SECTION 2-402. DUTIES.

- (A) **Prosecute for Village.** The Village Attorney shall prosecute or defend, on behalf of the Village, in all cases in which the interests of the corporation or any officer thereof are involved. The Village Clerk shall furnish the Attorney with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceeding.
- (B) **Preparation of Ordinances.** The Village Attorney shall, when required, advise the Village Board, or any officer, in all matters of law in which interests of the corporation are involved, and he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Mayor, the Village Board or any committee thereof.

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

(D) **Commissions.** The Village Attorney shall act as the legal advisor for the Planning And Zoning Board and he shall perform the legal services required of said commissions.

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

(F) **Prosecution of Suits.** The Village Attorney shall not be required to prosecute any suit or action arising under the ordinance of the Village, when, upon investigation of same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable.

(G) **Collection of Fees.** The Village Attorney is hereby authorized and instructed to enforce the collection of any and all taxes and special assessments in the collection of which the Village is interested and to attend all sales of real estate or personal property made to enforce the collection of such taxes or special assessments and to bid thereat in behalf of the Village.

SECTION 2-403. PROSECUTOR'S FEES.

- (A) For each complaint that is prosecuted on behalf of the Village to enforce the provisions of general ordinances of the Village, and also enforce

provisions of State Statutes, statutes affecting the affairs of the Village, there shall be added as costs to be assessed against the defendant in each case, the sum of Ten Dollars (\$10.00), to be known as the Village Prosecutor's Fee.

- (B) Upon said defendant being found guilty of the charges, as set up in the complaint that is filed on behalf of the Village in any of the two above named situations, it shall be the duty of the Court before whom such matter is heard to assess a Village Prosecutor's Fee in the sum of Ten Dollars (\$10.00), which shall be paid directly to the Prosecutor by the Clerk of the Circuit Court, and that the fine or penalty as assessed by the Court for the violation of the complaint shall be paid to the Village Clerk.

SECTION 2-404. SALARY.

The Attorney shall also receive a salary as established in the Annual Municipal Budget.

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

**PART 5
VILLAGE ENGINEER**

**SECTION 2-501. APPOINTMENT OF VILLAGE ENGINEER.
SECTION 2-502. DUTIES - SALARY.**

SECTION 2-501. APPOINTMENT OF VILLAGE ENGINEER.

The Mayor, with the advice and consent of the Village Board may appoint an Engineer for the Village, who shall serve for the term of the Mayor, or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and the Village Board.

SECTION 2-502. DUTIES - SALARY.

The Engineer for the Village shall make and submit plans, estimates and specifications for any public work, which may be proposed or ordered by the Village Board. He shall also examine all public works under his charge and see that the plans, estimates and specifications for the same are properly executed. He shall also receive a salary as established in the Annual Municipal Budget.

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CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 6

BUDGET OFFICER AND BUDGET PROCEDURES

- SECTION 2-601. ADOPTION OF ANNUAL BUDGET.
- SECTION 2-602. BUDGET OFFICER.
- SECTION 2-603. COMPUTATION OF ANNUAL BUDGET.
- SECTION 2-604. PUBLIC INSPECTION, NOTICE AND HEARING ON BUDGET.
- SECTION 2-605. REVISION OF ANNUAL BUDGET.
- SECTION 2-606. SALARY.

SECTION 2-601. ADOPTION OF ANNUAL BUDGET.

The Village hereby adopts Sections 5/8-2-9.1 through and including 5/8-2-9.10 of Chapter 65 of the Illinois Compiled Statutes providing for an Annual Municipal Budget in lieu of the passage of an Annual Appropriation Ordinance.

SECTION 2-602. APPOINTMENT OF BUDGET OFFICER.

The Mayor, with the approval of the Board of Trustees, shall appoint a Budget Officer who shall have the powers, duties, and responsibilities enumerated in the above Sections of the Illinois Revised Statutes as they are now or may hereafter be amended. The Budget Officer shall give a bond in such sum as may be required by statute.

SECTION 2-603. COMPUTATION OF ANNUAL BUDGET.

The Budget Officer shall compile a budget pursuant to the above sections of the Illinois Revised Statutes as they are now, or may hereafter be amended containing estimates of the revenues available before the beginning of the fiscal year to which it applies, together with recommended expenditures for the municipality and all of its boards, commissions, and departments. Said budget shall be adopted prior to May 1st of each fiscal year.

SECTION 2-604. FINANCIAL RESERVES.

(A) General Fund. The unrestricted fund balance of the General Fund shall be maintained at a level amounting to no less than two months nor more than four months of the current fiscal year budgeted general fund revenues, exclusive of federal, state or

county grant funds. Use of the minimum unrestricted fund balance shall be authorized only when emergency expenditures or an unexpected revenue reduction, including but not limited to unanticipated operating expenses, major equipment repairs, weather related damages or unanticipated legal expenses, or to off-set unanticipated decreases in revenues, such as national recessions or delays in distribution of state revenue designated for local governments would cause the General Fund budget to end the fiscal year with a negative balance. The amending of the budget to utilize the unrestricted fund balance shall require approval of an ordinance by a two-thirds (2/3) vote of the members. The fund balance shall be restored to its required level in the following fiscal year.

(B) Sewer Funds. There shall be three sewer funds. Fund balance levels for each fund are set forth below. The amending of the budget to utilize an unrestricted fund balance shall require approval of an ordinance by a two-thirds (2/3) vote of the Trustees. The fund balance shall be restored to its required level in the following fiscal year.

- (1) Sewer Operations and Maintenance Fund. The fund balance shall be maintained at a level of 25 percent of the utility's annual operations and maintenance expenses. The fund may be used for emergency repairs or purchases or working capital needs. The amending of the budget to utilize the unrestricted fund balance shall require approval of an ordinance by a two-thirds (2/3) vote of the members. The fund is an unrestricted net assets fund.
- (2) Sewer Capital Replacement and Improvement Fund. The fund is established to provide sufficient reserves for future major capital replacement and capital improvement expenses for a period of one to five years. The fund balance shall be maintained at a level equaling the total estimated cost of the

next five years' capital improvement expenses, and shall include the amounts annually required in the next year to make such payments on any outstanding loans as established by the loan agreements. The fund is a restricted net assets fund.

- (3) Sewer Reserve Fund The fund is established to provide sufficient reserves to maintain its service level during potential short-term cash flow interruptions caused by an unusually high number of customer delinquencies or other unanticipated revenue shortfalls. The fund balance shall be maintained at 5 percent of the utility's current year projected rate revenues. The fund is an unrestricted net assets fund. (Ord.1609, 04/18/11)

SECTION ~~2-604~~ 2-605. PUBLIC INSPECTION, NOTICE AND HEARING ON BUDGET.

Copies of the tentative annual budget shall be made available for public inspection in printed or typewritten form in the office of the Village Clerk for at least ten (10) days prior to the passage of the annual budget. Not less than one (1) week after the budget is available for inspection, and prior to final action on the budget, at least one (1) public hearing shall be held on the budget by the Board of Trustees. Notice of this hearing shall be given by the publication in a newspaper having a general circulation in the Village at least one (1) week prior to the time of the hearing. (Ord.1609, 04/18/11)

SECTION ~~2-605~~ 2-606. REVISION OF ANNUAL BUDGET.

The Board of Trustees may delegate authority to heads of municipal departments, boards or commissions to delete, add to, or change items previously budgeted to the department, board or commission, subject to such limitation or requirement for prior approval by the Budget Officer or Chairman of the Finance Committee, as the Board of Trustees, upon a two-thirds (2/3) vote of the members, may establish. The annual budget may be revised by a vote of two-thirds (2/3) of the Board of Trustees by deleting, adding to or changing budgeted items. No revision of the budget shall be made, increasing the budget in the event funds are not available to effectuate the purpose of the revision. (Ill. Com. Stat., Ch. 65, Sec. 5/3-10-10, 5/3-10-11, and 5/3-11-24) (Ord.1609, 04/18/11)

SECTION ~~2-606~~ 2-207. SALARY.

The salary of the Budget Officer shall be as is provided by the President and Board of Trustees. (Ord.1609, 04/18/11)

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 7
VILLAGE ADMINISTRATOR

- ~~SECTION 2-701. CREATION OF OFFICE.~~
- ~~SECTION 2-702. GENERAL DUTIES.~~
- ~~SECTION 2-703. DUTIES WITH REGARD TO PERSONNEL.~~
- ~~SECTION 2-704. MAPS AND PLATS.~~
- ~~SECTION 2-705. OFFICE.~~
- ~~SECTION 2-706. ABSENCE.~~
- ~~SECTION 2-707. SALARY.~~
- ~~SECTION 2-708. BOND.~~
- ~~SECTION 2-709. REMOVAL FROM OFFICE.~~
- ~~SECTION 2-710. VACANCY.~~

SECTION 2-701. CREATION OF OFFICE.

There is hereby created the office of administrator which shall be appointed for a term of one (1) year, to coincide with the fiscal year of the Village, by the President, after receiving a recommendation from the Personnel Committee with respect to any applicant with the advice and consent of the Board of Trustees.

SECTION 2-702. GENERAL DUTIES.

It shall be the duty of the Administrator:

- (A) To perform all job services and functions as assigned to him by the President and/or applicable laws, ordinances and resolutions within the Village;
- (B) To attend all meetings of the Board of Trustees and submit a monthly written report to the Board of Trustees at their second (2nd) meeting each month with respect to the general status of the business affairs of the Village;
- (C) To make any recommendations deemed advisable for the operation of the Village government to the President and members of the Board of Trustees;
- (D) To have no duties with respect to the operation of the Village Police Department, Fire Department and Street Department, but may assist when requested to do so by the appropriate elected official or Department Head;
- (E) To prepare and maintain a current inventory with a description and location of all real and personal property of the Village, and be responsible for its care and custody unless that

responsibility is assigned by law or statute to an officer of the Village;

- (F) To determine, with respect to any legally required publication, such as an ordinance, report or notice, that it is properly accomplished;
- (G) To determine that any reports legally required to be prepared by Village Officials are properly accomplished, unless law, statute or Village ordinance provides otherwise;
- (H) To prepare and maintain all Village records;
- (I) To provide any Village Official with sufficient secretarial and clerical staff to prepare any required reports or records and have available a place for the custody of such reports or records;
- (J) And, in general, to determine that all business affairs of the Village are conducted in an effectual, punctual and proper manner.
- (K) To identify to the Mayor and Board of Trustees potential grant possibilities, make plans to secure any available grants, and follow grant procedures and applications to completion.

SECTION 2-703. DUTIES WITH REGARD TO PERSONNEL.

The Administrator shall assist all Village employees in the performance of their duties. "Employees" is defined to apply to all persons hired by the Village, except for the Village engineer, attorney and members of the Police, Fire and Street Departments. The Administrator has no right to fire any employee but, in the event any disciplinary action is deemed necessary by him, shall submit in writing a report to the Personnel Committee setting

forth the factual grounds with a request for a specific disciplinary action.

SECTION 2-704. ~~MAPS AND PLATS.~~

~~The Administrator shall cause to be prepared, maintained and kept current, a complete set of maps and plats showing the location of Village utilities, municipal properties, street and other public places and all lots and parcels of land subdivided according to law.~~

SECTION 2-705. ~~OFFICE.~~

~~The Administrator shall maintain an office in the Swansea Government Center in an area designated by the President, with the approval of the Board of Trustees, and shall spend such time in the performance of his duties as may be required.~~

SECTION 2-706. ~~ABSENCE.~~

~~If the Administrator is absent from the Village, or is incapacitated from performing his duties, the President of the Village Board of Trustees or his appointee shall act as Administrator during his absence or incapacity.~~

SECTION 2-707. ~~SALARY.~~

~~The salary or compensation of the Administrator shall be such as is proved by the President and Board of Trustees.~~

SECTION 2-708. ~~BOND.~~

~~The Administrator shall be covered by Blanket Bond for all employees.~~

SECTION 2-709. ~~REMOVAL FROM OFFICE.~~

~~Upon good cause shown and a recommendation from the Personnel Committee, the Administrator, after having had an opportunity to be heard at a meeting of the Board of Trustees, may be removed from office by a two-thirds (2/3) vote of the Board of Trustees.~~

SECTION 2-710. ~~VACANCY.~~

~~In the event of a vacancy in the office of Administrator the Village shall advertise to fill the position. (Ord. 1503, Nov 13, 2007)~~

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 7
VILLAGE ADMINISTRATOR

SECTION 2-701. CREATION OF OFFICE, APPOINTMENT, TERM AND QUALIFICATIONS

SECTION 2-702. TERMS OF EMPLOYMENT.

SECTION 2-703. GENERAL DUTIES.

SECTION 2-704. OFFICE.

SECTION 2-705. ABSENCE.

SECTION 2-706. REMOVAL FROM OFFICE.

SECTION 2-707. VACANCY.

SECTION 2-708. BOND.

SECTION 2-709. AUTHORITY OF ELECTED OFFICIALS UNDIMINISHED

SECTION 2-710. CONFLICT OF INTEREST PROHIBITED

SECTION 2-711. MATTERS DIRECTED TO VILLAGE ADMINISTRATOR

SECTION 2-712. AUTHORITY

SECTION 2-701. CREATION OF OFFICE, APPOINTMENT, TERM AND QUALIFICATIONS.

There is hereby created the office of village administrator, which shall be appointed by the Board President with the advice and consent of the Village Board of Trustees, provided that said term shall not extend beyond the current term of the appointing Board president. The Administrator shall, in all cases, be subject to the authority and direction of the Village President and Board of Trustees.

The Village Administrator shall have a minimum of a Bachelor's Degree in public administration or related field with major course work in political science, public administration, business, personnel management or related fields. The Village Administrator shall also have work experience that of a minimum of five (5) years of progressively responsible experience in local government.

SECTION 2-702. TERMS OF EMPLOYMENT

The terms of compensation of the Administrator shall be such as is approved by the President and Board of Trustees. The President shall, with subsequent approval by the Village Board, enter into an employment agreement, which specifies in writing the level of compensation of the Village Administrator. It may also include provisions for one or more of the following: fringe benefits, continuing professional education, agreements for separation pay upon termination of employment, other appropriate agreements describing the working relationship between the Village Administrator and the elected officials and the President and Board's performance

expectations for the Village Administrator.

SECTION 2-703. GENERAL DUTIES.

The Village Administrator shall be responsible to the Village President for the proper administration of all affairs of the city. In discharging this responsibility the Village Administrator shall, as directed by the Village President:

- (A) Coordinate activities between the departments and offices to ensure efficient utilization of resources and maximize interdepartmental coordination and effectively and efficiently administer the policies adopted by the Village President and Board of Trustees.
- (B) Supervise activities of all departments and offices of the village through the appropriate department heads.
- (C) Recommend appointments, and when necessary for the good of the village, recommend suspension or removal of any village employee.
- (D) ~~Attend all village board, committee and advisory meetings and participate, as required] in all discussions unless excused by the Village President. The Administrator shall cause the minutes from all committee meetings to be taken. The Administrator shall also serve as Village Clerk pro tem, in the event the Village Clerk is absent. Attend all Village Board, committee, and advisory meetings and participate, as required, in all discussions unless excused by the Village President. If the Village Clerk is absent or the Village Clerk is the subject matter of the meeting~~

and his or her presence creates a conflict of interest, the Village Administrator shall cause to be made and prepared a full record of the Village Board meetings and committee meetings by either an employee of the Village or a certified court reporter selected by the Village Administrator. (Ord 1730, 11/23/15)

- (E) Provide for the enforcement of all laws and ordinances within the village.
- (F) Assist the President as the Chief Administrative officer of the village and perform such duties as may be directed by the President.
- (G) Create and formulate the annual budget for timely submission to the Budget Officer;
- (H) Be the primary point of contact with the Village Attorney and his/her staff, coordinate and follow up attorney assignments and disseminate his/her work product to the Board, and otherwise be the point of contact for legal advice required of any Village department head, ensure protection of the attorney client privilege; provided that nothing shall prohibit the President and Trustees from consulting the Village Attorney as they deem appropriate from time to time.
- (I) Keep the village board fully advised regarding the financial condition of the village and the future needs of the village.
- (J) Make such reports to the President and Board of Trustees as may be required, concerning the operations of the village departments and offices and recommend various courses of action to the Village President and Board, along with possible alternatives.
- (K) Propose and recommend to the President such personnel rules and regulations as may be useful for management of policies, handbooks, manuals and collective bargaining agreements.
- (L) Prepare such administrative reports and other reports of the activities of the village as may be required at the conclusion of the fiscal year and periodically throughout the year.
- (M) Research, collect information and prepare or coordinate the preparation of applications for all grants and loans from governmental or private entities for village programs, operations and services. (Ord 1537, Dec 15, 2008)
- (N) Participate to the extent requested in the collective bargaining processes of the village and recommend to the President collective bargaining agreements for consideration and possible final approval by the Board of Trustees.

(O) Investigate and respond to resident inquiries and complaints related to the operations of the village.

(P) Participate in the development and implementation of economic and community development programs for the village including business retention, expansion, and recruitment programs.

~~(Q) Act as purchasing agent for the Village within limitations and under conditions as established from time to time by the Village Board of Trustees. Oversee in the ordinary course of business all purchases of materials and supplies necessary for the Village as provided for in the annual budget ordinance; provided, that on purchases of more than \$5,000, shall first procure the approval of the Village Board of Trustees before making such purchases. In such cases, the Village Administrator shall comply with the statutory provisions requiring the solicitation of bids.~~

(Q) Act as purchasing agent for the Village and oversee in the ordinary course of business all purchases of materials and supplies necessary for the Village be provided for in the approved budget ordinance, consistent with the limitations and conditions established by Section 2-113 of the Swansea Municipal Code and except as otherwise provided by Section 2-113 of the Swansea Municipal Code. (Ord 1754, 07/05/16)

(R) The Administrator shall cause to be prepared, maintained and kept current, a complete set of maps and plats showing the location of Village utilities, municipal properties, street and other public places and all lots and parcels of land subdivided according to law.

(S) Serve as a liaison to the Chamber of Commerce and other community organizations.

(T) Oversee evaluation of village employees' performance and provide written evaluations of department heads at least once per year

(U) Promote good relations with other governmental agencies and the public.

(V) Provide staff support services for the mayor and the members of the village board.

SECTION 2-704. OFFICE.

The Administrator shall maintain an office in the Swansea Government Center in an area designated by the President, with the approval of the Board of Trustees, and shall spend such time in the performance of duties as may be required. The position is considered full-time and outside employment is prohibited without approval of the Village President.

Except for purposes of inquiry, Board members shall deal with the administrative service through the Village Administrator. Board members shall not give orders to any department heads or subordinates of the Village Administrator either publicly or privately. (Ord. 1503, Nov 13, 2007)

SECTION 2-705. ABSENCE.

If, because of a temporary absence, disability, or illness, the Village Administrator is unable to carry out the functions of this office, the Village President with the advise and consent of the Board of Trustees may appoint a temporary replacement to serve as acting administrator and carry out the duties of the Administrator during the administrator's absence. This appointment shall be effective for a period not to exceed 30 days or until the Village Administrator is able to resume his or her duties, whichever occurs first.

SECTION 2-706. REMOVAL FROM OFFICE.

Section 2-118 of the Code shall govern removal from office of the Administrator.

SECTION 2-707. VACANCY.

When a vacancy occurs in the office of Village Administrator, a replacement shall be appointed and confirmed following the procedures outlined in Section 2-701. If the Village Administrator resigns, the Village Administrator may continue to serve as Village Administrator until a replacement is appointed and confirmed by the Board. Should the Administrator choose not to serve until his/her replacement is appointed and confirmed, or if the President removes the Administrator, the Village President shall have the power to appoint a temporary Village Administrator who shall serve until a replacement Village Administrator is appointed and confirmed.

SECTION 2-708. BOND.

The Administrator shall be covered by Blanket Bond for all employees.

SECTION 2-709. AUTHORITY OF ELECTED OFFICERS UNDIMINISHED

Nothing in this ordinance shall be deemed to diminish or detract from the statutory powers and authority of the Village's elected officials.

SECTION 2-710. CONFLICT OF INTEREST PROHIBITED.

The Village Administrator shall not derive any personal benefit, directly or indirectly from any contractual work or business of the Village or from the sale of any article from the Village or from the purchase of property from it.

SECTION 2-711. MATTERS DIRECTED TO VILLAGE ADMINISTRATOR.

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CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 8

BUILDING AND ZONING DEPARTMENT

- SECTION 2-801. ESTABLISHMENT OF BUILDING AND ZONING DEPARTMENT
- SECTION 2-802. BUILDING AND ZONING DIRECTOR
- SECTION 2-803. GENERAL DUTIES
- SECTION 2-804. SALARY

SECTION 2-801. ESTABLISHMENT OF BUILDING AND ZONING DEPARTMENT

There is hereby established a department of the municipal government of the Village which shall be known as the Building and Zoning Department. The Building and Zoning Department shall embrace the programs, services and functions of planning, development review, permitting, economic development, and the enforcement of land development regulations.

SECTION 2-802. BUILDING AND ZONING DIRECTOR.

There is hereby created the office of Building and Zoning Director, who shall be appointed by the President with the advice and consent of the Board of Trustees, for a term of one (1) year, to coincide with the fiscal year of the Village. The Building and Zoning Director, under the direction of the President and the Board of Trustees, shall manage the operations of the Building and Zoning Department as listed above.

SECTION 2-803. GENERAL DUTIES.

The duties and responsibilities of the Building and Zoning Director shall be as follows:

- (A) To plan, organize and coordinate the activities of the Building and Zoning Department;
- (B) To act as liaison between developers, builders, contractors, and individuals and the administrative services they require;
- (C) To assist the Administrator in dealing with federal, state, and regional officials, and developers to discuss community and economic development related issues;
- (D) To have responsibility for the preparation, implementation, monitoring and revising of the Village Comprehensive Community Master Plan;
- (E) To coordinate the preparation and administration of the annual department budget and capital improvement projects;

(F) To perform the duties of "Code Administrator", as set out in Section 2-902, and the duties of "Zoning Administrator" as set out in Section 2-1002;

(G) To have responsibility for initiation and pursuit of all matters that are within the scope and jurisdiction of the Planning And Zoning Board of Appeals and building Board of Appeals, and to provide on each matter referred, a written summary to the Board of Trustees supported by the findings of facts of the matter being considered;

(H) To have responsibility for the coordination of all construction permits, for overseeing other inspectors, for the scheduling, performing and recording of inspections, and for coordinating inspection efforts;

(I) To submit a report to the Mayor and the Board of Trustees on monthly basis which contains the activities and data relating to the department, and including comments and suggestions relating thereto;

(J) To attend all meetings of the Board of Trustees and their related Committees;

(K) To have responsibility for other duties as assigned and as the preceding are from time-to-time modified.

SECTION 2-804 SALARY

The salary or compensation of the Building and Zoning Director shall be such as is provided for by the President and the Board of Trustees.

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CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 8

BUILDING AND ZONING DEPARTMENT

- SECTION 2-801. ESTABLISHMENT OF BUILDING AND ZONING DEPARTMENT**
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There is hereby created the office of Building and Zoning Director, who shall be appointed by the President with the advice and consent of the Board of Trustees, for a term of one (1) year, to coincide with the fiscal year of the Village. The Building and Zoning Director, under the direction of the President and the Board of Trustees, shall manage the operations of the Building and Zoning Department as listed above.

SECTION 2-803. GENERAL DUTIES.

The duties and responsibilities of the Building and Zoning Director shall be as follows:

- (A) To plan, organize and coordinate the activities of the Building and Zoning Department;
- (B) To act as liaison between developers, builders, contractors, and individuals and the administrative services they require;
- (C) To assist the Administrator in dealing with federal, state, and regional officials, and developers to discuss community and economic development related issues;
- (D) To have responsibility for the preparation, implementation, monitoring and revising of the Village Comprehensive Community Master Plan;
- (E) To coordinate the preparation and administration of the annual department budget and capital improvement projects;

(F) To perform the duties of "Code Administrator", as set out in Section 2-902, and the duties of "Zoning Administrator" as set out in Section 2-1002;

(G) To have responsibility for initiation and pursuit of all matters that are within the scope and jurisdiction of the Planning And Zoning Board of Appeals and building Board of Appeals, and to provide on each matter referred, a written summary to the Board of Trustees supported by the findings of facts of the matter being considered;

(H) To have responsibility for the coordination of all construction permits, for overseeing other inspectors, for the scheduling, performing and recording of inspections, and for coordinating inspection efforts;

(I) To submit a report to the Mayor and the Board of Trustees on monthly basis which contains the activities and data relating to the department, and including comments and suggestions relating thereto;

(J) To attend all meetings of the Board of Trustees and their related Committees;

(K) To have responsibility for other duties as assigned and as the preceding are from time-to-time modified.

SECTION 2-804 SALARY

The salary or compensation of the Building and Zoning Director shall be such as is provided for by the President and the Board of Trustees.

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CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION CODE

**PART 9
CODE ADMINISTRATOR**

- SECTION 2-901. CREATION OF OFFICE.**
- SECTION 2-902. DUTIES AND RESPONSIBILITIES.**
- SECTION 2-903. SALARY.**

SECTION 2-901. CREATION OF OFFICE.

There is hereby created the executive position of Code Administrator, who shall be appointed annually by the President with the advice and consent of the Board of Trustees for a term of one (1) year or until his successor has been appointed and is qualified.

(B) To serve as the Zoning Administrator in accordance with the provisions of the Zoning Code for such appointment, and shall thereafter administer and enforce the Zoning Code in accordance with the duties and responsibilities listed therein.

SECTION 2-902. DUTIES.

The duties and responsibilities of the Code Administrator shall be as follows:

(A) To administer and enforce the code requirements of the Village of Swansea as specified throughout the ordinances of the Village including, but not necessarily limited to, the Building Code, Business Code, Flood Plain Code, Manufactured Home Code, and Subdivision Code.

SECTION 2-903. SALARY.

The salary or compensation of the Code Administrator shall be such as is provided by the President and the Board of Trustees.

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CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION CODE

PART 10 ZONING ADMINISTRATOR

SECTION 2-1001. CREATION OF OFFICE. SECTION 2-1002. DUTIES.

SECTION 2-1001. CREATION OF OFFICE.

There is hereby created the executive position of Zoning Administrator, who shall be appointed annually by the Mayor with the advice and consent of the Board of Trustees for a term of one (1) year or until his successor has been appointed and is qualified.

SECTION 2-1002. DUTIES.

The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code, as amended from time to time, and is in effect, in accordance with the powers and duties therein set forth, and in furtherance of such authority shall:

- (A) Issue all zoning permits and certificates, and make and maintain records thereof.
- (B) Issue all certificates of occupancy, and make and maintain records thereof.
- (C) Conduct inspections of buildings, structures, and land to determine compliance with the Zoning Code and to notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.
- (D) Order the discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by statute or by the Zoning Code to insure compliance with or to prevent violation of the provisions.
- (E) Provide and maintain a source of public information relative to all matters arising out of the Zoning Code.
- (F) Keep the Mayor and Village Board advised of zoning activities by written report at the second (2nd) regular meeting each month, including

statements of permits and certificates issued and orders promulgated.

- (G) Request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the Village Attorney in prosecuting violators, and of other Village officials and officers.
- (H) Perform other duties of a Code Enforcement Officer, as prescribed by the revised ordinances of the Village and as may be specifically assigned to him by the Village Board. Such revised ordinances may include, but not be limited to, the Zoning Code as adopted and amended from time to time by the Village Board.

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CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 11

PLANNING AND ZONING BOARD

- SECTION 2-1101. CREATION.
- SECTION 2-1102. MEMBERSHIP.
- SECTION 2-1103. APPOINTMENT AND TERM OF OFFICE.
- SECTION 2-1104. COMPENSATION.
- SECTION 2-1105. PROCEDURE.
- SECTION 2-1106. POWERS AND DUTIES.
- SECTION 2-1107. LAND SUBDIVISION OR RESUBDIVISION AND THE OFFICIAL MAP.
- SECTION 2-1108. IMPROVEMENTS.
- SECTION 2-1109. EXPENDITURES.

SECTION 2-1101. CREATION.

In order that adequate provisions be made for the preparation and implementation of a Comprehensive Plan for the Village of Swansea, and for the guidance, direction and control of growth, development or redevelopment within the Village of Swansea, a Planning and Zoning Board is hereby created.

SECTION 2-1102. MEMBERSHIP.

- (A) The Village of Swansea Planning and Zoning Board shall consist of ~~nine (9)~~ seven (7) members, all of whom shall be residents of the Village of Swansea.
- (B) ~~Five (5)~~ Four (4) members of the Planning and Zoning Board shall constitute a quorum, and no meeting or public hearing shall be conducted by the Board without a quorum being present.
 - (1) In the event of a meeting being cancelled due to lack of a quorum, or for any other reason, the cancelled meeting shall be rescheduled and held within seven (7) calendar days of the originally cancelled meeting.
- (C) The concurring vote of ~~five (5)~~ four (4) members of the Planning and Zoning Board shall be necessary to reverse an order, requirement, decision, or determination of an administrative official, or to decide in favor of the applicant, any matter upon which it is required to pass.
(Ord 1583, 06/21/2010)

SECTION 2-1103. APPOINTMENT AND TERM OF OFFICE.

- (A) Members of the Planning and Zoning Board shall be individually appointed and assigned to a specific term of office by the President of the Board, with the advice and consent of the Board of Trustees.
- (B) The initial terms of office shall be as follows:
 - (1) ~~Three~~ One members for one (1) year;
(Ord 1583, 06/21/2010)
 - (2) Three members for two (2) years;
 - (3) Three members for three (3) years;
- (C) At the end of each appointed term the successor to each member shall be appointed for a term of three (3) years.
- (D) One of the members so appointed shall be named as Chairman by the President of the Board of Trustees, with the advise and consent of the Board of Trustees, and empowered with the authority to call meetings and public hearings, preside over such meetings and hearings, compel the attendance of witnesses, issue subpoenas, and administer oaths.
 - (1) In the absence of the Chairman, the member present with the longest term of office shall serve as Acting Chairman and be empowered with all the authority of the Chairman.
- (E) Any member of the Planning and Zoning Board desiring to resign his or her appointment before said term has expired, shall notify the President of the Board of Trustees in writing.

(1) Resignations so received, shall be effective upon the date it is received by the President unless another date is specifically provided for.

(2) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member.

(F) The President, with the advice and consent of the Board of Trustees, may remove any member of the Planning and Zoning Board for cause.

(G) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member so removed.

SECTION 2-1104. COMPENSATION.

The members of the Planning and Zoning Board shall receive a salary or compensation such as is provided by the President and the Board of Trustees.

SECTION 2-1105. PROCEDURE.

(A) Immediately upon its creation, the members of the Planning and Zoning Board shall meet, organize, elect a Recording Secretary and adopt rules and regulations of organization and procedure consistent with Village ordinances and State laws. Thereafter, the Planning and Zoning Board may change or alter any such rules or regulations.

(B) The Planning and Zoning Board shall keep written records of its proceedings, which shall be open at all times to public inspection.

SECTION 2-1106. POWERS AND DUTIES.

The Planning and Zoning Board shall have the following powers and duties:

(A) To prepare and recommend to the Village Board of Trustees of Swansea a Comprehensive Plan for present and future development or redevelopment within the Village.

(1) The Plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the Official Comprehensive Plan, or part thereof, of Swansea.

(2) Such plan shall be advisory, except as to such part thereof as has been implemented by ordinances duly enacted by the Village Board of Trustees.

(3) All requirements for public hearings, filing or notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances with the Municipal Clerk shall be complied with as provided by law.

(4) To provide for the health, safety, comfort and convenience of the habitants of Swansea, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of the areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.

(B) To administer and enforce provisions of the Swansea Zoning Code, by assuming responsibility for the following specific duties:

(1) To hear and review applications for special use permits, and report their findings and recommendations to the Board of Trustees;

(2) To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator or other administrative officer under this Chapter;

(3) To hear and review applications for variation from the requirements of this Chapter, and report their findings and recommendations to the Board of Trustees;

(4) To hear and review applications for amendments to the text of this Chapter, and report their findings and recommendations to the Board of Trustees;

(5) To hear and review applications for amendments to the official zoning map, and report their findings and recommendations to the Board of Trustees;

- (6) To conduct, in accordance with law, meetings and public hearings at the call of the chairman or at such other times as the Planning and Zoning Board may determine;
- (7) To compel, by action of the chairman, the attendance of witnesses at such meetings and hearings, to allow the testimony of such witnesses or any other person or their designated agent or attorney, and to administer oaths to those who so testify;
- (8) To keep records of its hearings and other official actions, and minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact;
- (9) To file immediately in the office of the Village Clerk, a copy of every rule, regulation, order, requirement, decision, or determination of the Planning and Zoning Board, the contents of which shall be public record. (Ill. Com. Stat. Ch. 65 Sec. 5/11-13-3)
- (10) To adopt its own rules and procedures in keeping with the provisions of the law, a copy of which shall be reduced to writing and made available to the public.

~~(C) Develop architectural and signage requirements and guidelines for all business districts. (Ord 1386, 11/01/2004)~~

(C) To review and make necessary recommendations to the Board of Trustees for the approval or denial of plans for the exterior design of certain structures and review and recommendation for the approval or denial of applications for variations for sign permits, and related duties, specifically:

1. To prepare and recommend to the Village of Swansea Board of Trustees regulations for the design and installation of all signs within the Village.
2. To review applications for variation to the sign regulations and make recommendations to the Board of Trustees for approval or denial of same, in accord with the limitations set forth in Section 20-1534. Authority to Recommend Variation., paragraph E;
3. To prepare and recommend to the Village of Swansea Board of Trustees regulations for the exterior design of all structures within the Highway Business, Planned Business, Industrial and Multi-Family zoning districts within the Village, including the building materials used thereon.

4. To review all construction documents submitted for building permits for all structures within the aforementioned zoning districts for compliance with exterior building design regulations, and make the necessary recommendations to the Board of Trustees for the approval or denial of same.

(Ord 1554, 08/3/2009)

- (D) To designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.
- (E) To recommend to the Village Board of Trustees of Swansea, from time to time, such changes in the Comprehensive Plan, or any part thereof, as may be deemed necessary.
- (E) To prepare and recommend to the Village Board of Trustees, from time to time, plans, and/or recommendations for specific improvements in pursuance of the Official Comprehensive Plan.
- (G) To give aid to the officials of the Village of Swansea, charged with the direction of projects for improvements embraced within the Official Plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the Official Comprehensive Plan.
- (H) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
- (I) To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

(Ord 1386, 11/01/2004)

SECTION 2-1107. LAND SUBDIVISION OR RESUBDIVISION AND THE OFFICIAL MAP.

- (A) At any time or time, before or after the formal adoption of the Official Comprehensive Plan by the corporate authorities, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one half (1-1/2) miles from the corporate limits of the Village of Swansea.
- (B) The requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of said plan and ordinances,

including the official map, with the Municipal Clerk shall be complied with as provided for by law.

- (C) No map or plat of any subdivision or resubdivision presented for the record affecting land within the corporate limits of the Village of Swansea within contiguous territory which is not more than one and one half (1-1/2) miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water runoff channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the ordinances, including the official map.

SECTION 2-1108. IMPROVEMENTS.

The Village Clerk shall furnish the Planning and Zoning Board for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Planning and Zoning Board may report in relation thereto if it deems a report necessary or advisable, for the consideration of the Village Board of Trustees.

SECTION 2-1109. EXPENDITURES.

If the Planning and Zoning Board shall deem it advisable to secure technical advice or services, it may do so upon authorization from the Village Board of Trustees and an appropriation by the Village Board of Trustees therefore.

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 12

FOREIGN FIRE INSURANCE BOARD

SECTION 2-1201. CREATION.

SECTION 2-1202. MEMBERSHIP.

SECTION 2-1203. OFFICERS AND TERMS OF OFFICE.

SECTION 2-1204. DUTIES OF THE BOARD.

SECTION 2-1205. DUTIES OF THE OFFICERS.

SECTION 2-1206. TREASURER; DUTIES, BOND.

SECTION 2-1207. AUDIT REQUIRED.

SECTION 2-1201. CREATION.

There is hereby created a Foreign Fire Insurance Board within the Village of Swansea's Fire Department.

SECTION 2-1202. MEMBERSHIP

The Foreign Fire Insurance Board shall consist of seven (7) trustees; the fire chief, who shall hold office by virtue of rank, and six (6) members, who shall be elected at large by the sworn members of the fire department. All members of the fire department shall be eligible to be elected as officers of the Board. If there is an insufficient number of candidates to fill all these positions, the number of board members may be reduced, but not to fewer than 3 trustees.

SECTION 2-1203. OFFICERS AND TERMS OF OFFICE.

There shall be two officers of the Board, a chairman and a treasurer. The terms of office of the chairman, treasurer and at-large trustees shall be one year. Elections of officers and at-large trustees shall be conducted annually.

SECTION 2-1204. DUTIES OF THE BOARD.

The duties of the Board shall be as follows:

(A) to manage the money from the foreign fire insurance tax allocated to the Foreign Fire Tax Board; and

(B) to make rules and regulations for the conduct of the Board's business.

SECTION 2-1205. DUTIES OF THE OFFICERS

The duties of the chairman and the treasurer are as follows:

(A) to develop a list of items that the Board feels are appropriate expenditures as permitted by statute, 65 ILCS 5/11-10-1 to 11-10-03; and

(B) to accomplish those duties as may be assigned by the Board as authorized by statute.

SECTION 2-1206. TREASURER; DUTIES, BOND.

The duties of the treasurer shall be as follows:

(A) to receive the money appropriated and pay out the money upon the order of the board for the maintenance, use and benefit of the department; and

(B) to give sufficient bond to the village, for approval by the Mayor, conditioned upon the faithful performance of his duties under the ordinance and the rules and regulations of the Foreign Fire Insurance Board.

SECTION 2-1207. AUDIT REQUIRED.

As part of the municipal audit, the funds allocated to the Foreign Insurance Board shall be audited to verify that the funds have been expended only for the maintenance, use and benefit of the fire department. (Ord 1566, 03/01/10)

ARCHITECTURAL AND SIGNAGE REVIEW BOARD

- ~~SECTION 2-1201. CREATION.~~
- ~~SECTION 2-1202. MEMBERSHIP.~~
- ~~SECTION 2-1203. APPOINTMENT AND TERM OF OFFICE.~~
- ~~SECTION 2-1204. COMPENSATION.~~
- ~~SECTION 2-1205. PROCEDURE.~~
- ~~SECTION 2-1206. POWERS AND DUTIES.~~
- ~~SECTION 2-1207. IMPROVEMENTS.~~
- ~~SECTION 2-1208. EXPENDITURES.~~

SECTION 2-1201. CREATION.

In order that adequate provisions be made for the preparation and implementation of architectural and signage standards for the Village of Swansea, and for the guidance, direction and control of building aesthetics and sign installation within the Village, an Architectural and Signage Review Board is hereby created.

SECTION 2-1202. MEMBERSHIP.

(A) The Village of Swansea Architectural and Signage Review Board shall consist of seven (7) members, all of whom shall be residents of the Village of Swansea.

(B) Four (4) members of the Architectural and Signage Review Board shall constitute a quorum, and no meeting or public hearing shall be conducted by the Board without a quorum being present.

(1) In the event of a meeting being cancelled due to lack of a quorum, or for any other reason, the cancelled meeting shall be rescheduled and held within seven (7) calendar days of the originally cancelled meeting.

(C) The concurring vote of four (4) members of the Architectural and Signage Review Board shall be necessary to reverse an order, requirement, decision, or determination of an administrative official, or to decide in favor of the applicant, any matter upon which it is required to pass.

SECTION 2-1203. APPOINTMENT AND TERM OF OFFICE.

(A) Members of the Architectural and Signage Review Board shall be individually appointed and assigned to a specific term of office by the President of the Board, with the advice and consent of the Board of Trustees.

(B) The initial terms of office shall be as follows:

- (1) Three members for one (1) year;
- (2) Three members for two (2) years;
- (3) One member for three (3) years;

(C) At the end of each appointed term the successor to each member shall be appointed for a term of three (3) years.

(D) One of the members so appointed shall be named as Chairman by the President of the Board of Trustees, with the advise and consent of the Board of Trustees, and empowered with the authority to call meetings and public hearings, preside over such meetings and hearings, compel the attendance of witnesses, issue subpoenas, and administer oaths.

In the absence of the Chairman, the member present with the longest term of office shall serve as Acting Chairman and be empowered with all the authority of the Chairman.

(E) Any member of the Architectural and Signage Review Board desiring to resign his or her appointment before said term has

expired, shall notify the President of the Board of Trustees in writing.

(1) Resignations so received, shall be effective upon the date it is received by the President unless another date is specifically provided for.

(2) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member.

(F) The President, with the advice and consent of the Board of Trustees, may remove any member of the Architectural and Signage Review Board for cause.

(G) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member so removed.

SECTION 2-1204. COMPENSATION.

The members of the Architectural and Signage Review Board shall receive a salary or compensation such as is provided by the President and the Board of Trustees.

SECTION 2-1205. PROCEDURE.

(A) Immediately upon its creation, the members of the Architectural and Signage Review Board shall meet, organize, elect a Recording Secretary and adopt rules and regulations of organization and procedure consistent with Village ordinances and State laws. Thereafter, the Architectural and Signage Review Board may change or alter any such rules or regulations.

(B) The Architectural and Signage Review Board shall keep written records of its proceedings, which shall be open at all times to public inspection.

SECTION 2-1206. POWERS AND DUTIES.

The Architectural and Signage Review Board shall have the following powers and duties:

(A) To prepare and recommend to the Village of Swansea Board of Trustees regulations for the design and installation of all signs within the Village.

(B) To review all applications for sign permits to ensure compliance with all Village sign regulations and to make necessary recommendations to the Board of Trustees for the approval or denial of same.

~~(B) To review applications for variation to the sign regulations and make recommendations to the Board of Trustees for approval or denial of same, in accord with the limitations set forth in Section 20-1534. Authority to Recommend Variation, paragraph E. (Ord 1553, 08/03/00)~~

(C) To prepare and recommend to the Village of Swansea Board of Trustees regulations for the exterior design of all structures within the Highway Business, Planned Business, Industrial and Multi-Family zoning districts within the Village, including the building materials used thereon.

— Exception: 1 and 2 family dwellings located within approved single family residential subdivisions that are within the Planned Business District.

(D) To review all construction documents submitted for building permits for all structures within the aforementioned zoning districts for compliance with exterior building design regulations, and make the necessary recommendations to the Board of Trustees for the approval or denial of same.

(E) To conduct, in accordance with law, meetings and public hearings at the call of the chairman or at such other times as the Architectural and Signage Review Board may determine;

(F) To compel, by action of the chairman, the attendance of witnesses at such meetings and hearings, to allow the testimony of such witnesses or any other person or their designated agent or attorney, and to administer oaths to those who so testify;

~~(G) To keep records of its hearings and other official actions, and minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact.~~

~~(H) To file immediately in the office of the Village Clerk, a copy of every rule, regulation, order, requirement, decision, or determination of the Architectural and Signage Review Board, the contents of which shall be public record.~~

~~(I) To adopt its own rules and procedures in keeping with the provisions of the law, a copy of which shall be reduced to writing and made available to the public.~~

~~(J) To give aid to the officials of the Village of Swansea, charged with the direction of projects for improvements embraced within the Official Plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the Official Comprehensive Plan.~~

~~(K) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.~~

SECTION 2-1207. IMPROVEMENTS.

~~The Village Clerk shall furnish the Architectural and Signage Review Board for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Architectural and Signage Review Board may report in relation thereto if it deems a report necessary or advisable, for the consideration of the Village Board of Trustees.~~

SECTION 2-1208. EXPENDITURES.

~~If the Architectural and Signage Review Board shall deem it advisable to secure technical advice or services, it may do so upon authorization from the Village Board of Trustees and an appropriation by the Village Board of Trustees therefore.~~

~~(Ord 1385, 11/01/2004)
(Ord 1554 08/03/2009)~~

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 13
PARK BOARD

- SECTION 2-1301. CREATION.
- SECTION 2-1302. MEMBERSHIP.
- SECTION 2-1303. APPOINTMENT AND TERM OF OFFICE.
- SECTION 2-1304. COMPENSATION.
- SECTION 2-1305. PROCEDURE.
- SECTION 2-1306. POWERS AND DUTIES.

SECTION 2-1301. CREATION.

In order to ensure the development and maintenance of parks within the Village which Presidents will find to be adequate, clean, functional and safe, a Park Board is hereby created.

unless another date is specifically provided for.

- (2) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member.

SECTION 2-1302. MEMBERSHIP.

- (A) The Village of Swansea Park Board shall consist of ~~twenty four (24) members.~~ The number members deemed appropriate by the President of Board, with consent from Board of Trustees, on an annual basis.
- (B) ~~Thirteen (13) members~~ A majority of the Park Board shall constitute a quorum, and no meeting shall be conducted by the Board without a quorum being present. (Ord 1684, 09/16/13)

- (E) The President, with the advice and consent of the Board of Trustees, may remove any member of the Park Board for cause.

- (1) Members of the Village of Swansea Park Board shall be removed for unexcused absences in excess of three per year. Absences may be excused by the Park Board President or the Parks and Recreation Chairperson.

- (2) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member so removed.

SECTION 2-1303. APPOINTMENT AND TERM OF OFFICE.

- (A) Members of the Park Board shall be individually appointed by the President of the Board, with the advice and consent of the Board of Trustees.
- (B) Members shall serve for a period of one (1) year.
- (C) One of the members so appointed shall be named as Chairman at the time of his appointment and empowered with the authority to call and preside over meetings.
- (D) Any member of the Park Board desiring to resign his or her appointment before said term has expired, shall notify the President of the Board of Trustees in writing.

SECTION 2-1304. COMPENSATION.

The members of the Park Board shall receive a salary or compensation such as is provided by the President and the Board of Trustees. The Recording Secretary will be compensated at the rate of \$49.00 per month (providing that a meeting is held) for recording and transcribing the minutes of each park board meeting. (Ord 1502, Oct. 16, 2007)

- (1) Resignations so received, shall be effective upon the date it is received by the President

SECTION 2-1305. PROCEDURE.

- (A) Immediately upon its creation, the members of the Park Board shall meet, organize, elect a Recording Secretary and adopt rules and regulations of organization and procedure

consistent with Village ordinances and State laws. Thereafter, the Park Board may change or alter any such rules or regulations.

- (B) The Park Board shall keep written records of its proceedings, which shall be open at all times to public inspection.

SECTION 2-1306. POWERS AND DUTIES.

The Park Board shall have the following powers and duties:

- (A) To recommend to the Board of Trustees any improvements, and the scope of any such improvements, for the parks within the Village.
- (B) To recommend to the Board of Trustees measures to ensure the proper, fair and safe management of the parks within the Village.
- (C) To set out and define the uses and functions for which the parks may be employed.
- (D) To examine, inspect and vote on permits directed to the Board by a citizen or citizens requesting the use of the park's various pavilions and play-fields and playgrounds.
- (E) To inspect, examine and vote on liquor permits directed to the Board by a citizen or citizens requesting permission to consume any type of alcoholic beverage on or within the parks of the Village.

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 14

GENERAL PROVISIONS GOVERNING VILLAGE OFFICIALS
AND ADMINISTRATION

- SECTION 2-1401. CORPORATE SEAL.
- SECTION 2-1402. QUALIFICATIONS FOR HOLDING OFFICE.
- SECTION 2-1403. BONDS OF VILLAGE OFFICERS.
- SECTION 2-1404. SALARIES REGULATION.
- SECTION 2-1405. FISCAL YEAR.
- SECTION 2-1406. MUNICIPAL YEAR.
- SECTION 2-1407. VILLAGE RECORDS.
- SECTION 2-1408. SALARIES OF VILLAGE OFFICIALS.

SECTION 2-1401. CORPORATE SEAL.

(A) The Corporate Seal of the Village shall be the same as that heretofore provided and used by the Village. It shall be circular in form with the words, "Village of Swansea, St. Clair County, IL" in the exterior circle, and shall say "seal" in the center.

(B) The corporate seal shall be used as such in all cases provided for by law, or by the ordinances of the Village, and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the Village Clerk who shall be the legal custodian.

SECTION 2-1402. QUALIFICATIONS FOR HOLDING OFFICE.

(A) No person shall be eligible to hold any municipal office unless:

(1) He has been a qualified elector of the municipality for at least one year next preceding his election or appointment; and

(2) He has been a resident of the municipality for at least one year next preceding his election or appointment; and

(3) He is not a defaulter to the municipality.

(B) These requirements shall not apply to the municipal engineer, municipal attorneys, or to other appointed offices which require technical training or knowledge, and for which a requirement of residency would significantly restrict the availability of candidates.

SECTION 2-1403. BONDS OF VILLAGE OFFICERS.

(A) **Amount.** Bonds of Village officers required under Illinois Compiled Statutes, Chapter 65, Section 5/3-14-3 shall be executed in at least the following penal sums:

Mayor: \$10,000.00
Village Clerk: \$10,000.00
Village Treasurer: \$500,000.00
Utility Control Clerk: \$20,000.00
Blanket Bond For All Other
Employees: \$20,000.00

(B) **Premium Payment by Village.** The surety bonds required by law shall be paid by the Village.

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

SECTION 2-1404. SALARIES REGULATION.

(A) **Elected.** The salary or compensation of any elected municipal officer who is elected for a definite term of office, shall not be increased or diminished during such term, except as otherwise provided by law. (*Ill. Com. Stat. Chap. 65, Section 5/3-13-2*)

(B) **Appointed.** The salary or compensation of any appointed official who is appointed for a definite term of office may be increased but shall not be decreased during such term.

(C) Employees-non contract. The Village Board may increase the salary or wage of non contract employees on an annual basis, but such increase shall not commence until the first day of the first pay period that occurs fully within the month of July. The Board of Trustees may, at its discretion, increase the salary or wage of employees or groups of employees at other times, including but not limited to, the completion of various steps of probationary employment. The Board of Trustees may, at its discretion, decrease the salary or wage of employees or groups of employees, at any time.

(D) Employees-contract. Wage increases or decreases of employees serving within a collective bargaining agreement shall be governed by the terms of the agreement. (Ord 1585, 07/06/2010)

SECTION 2-1405. FISCAL YEAR.

The fiscal year of the Village shall begin on May first (1st) and end on the following April thirtieth (30th).

SECTION 2-1406. MUNICIPAL YEAR.

The municipal year shall commence on May first (1st) and shall end on the following April thirtieth (30th).

SECTION 2-1407. VILLAGE RECORDS.

All official records, including the Village Seal, shall be kept in the Swansea Government Center.

SECTION 2-1408. SALARIES OF VILLAGE OFFICIALS.

(A) **Mayor.** Effective May 1, 2001, the Mayor shall receive the sum of \$15,000 per annum, payable at a rate \$1,250.00 per month, as compensation for his services.

(B) **Trustees.** Effective May 1, 2003, each Trustee shall receive the sum of \$7,200.00 per annum, payable at a rate of \$600.00 per month, as compensation for his services.

(C) **Clerk.** Effective May 1, 2005, the Clerk shall receive the sum of \$7,200.00 per annum, payable at a rate of \$600.00 per month, as compensation for this services.

(D) **Treasurer.** The Treasurer shall receive the sum of \$7,200.00 per annum, payable at a rate of \$600.00 per month, as compensation for his services.

(E) Each elected official shall also be entitled to reimbursement for actual expenses incurred by them in the performance of their duties.

CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 15

STATE OFFICIALS AND EMPLOYEES ETHICS ACT

SECTION 2-1501. ADOPTION OF ACT.

SECTION 2-1502. DEFINITIONS.

SECTION 2-1503. PROHIBITED POLITICAL ACTIVITIES.

SECTION 2-1504. GIFT BAN.

SECTION 2-1505. ETHICS ADVISOR.

SECTION 2-1506. ETHICS COMMISSION.

SECTION 2-1507. PENALTIES.

SECTION 2-1508. EXISTING ETHICS ORDINANCE.

SECTION 2-1509. FUTURE AMENDMENTS TO THE ACT.

SECTION 2-1510. FUTURE DECLARATION OF UNCONSTITUTIONALITY OF THE ACT.

SECTION 2-1501. ADOPTION OF ACT.

- (A) The regulations of Section 5-15 (5 ILCS 430/5-15) and Article 10 (ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5ILCS 430/1-1 et seq.' (hereafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village of Swansea to the extent required by 5 ILCS 430/70-5.
- (B) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village of Swansea is hereby prohibited.
- (C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village of Swansea under the Act is hereby prohibited.
- (D) The participation in political activities prohibited under the Act, by any officer or employee of the Village of Swansea is hereby prohibited.

include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

SECTION 2-1502. DEFINITIONS.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the Village of Swansea, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the Village of Swansea

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that

require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

- (a) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (b) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (c) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (d) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (e) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (f) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (g) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (h) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (i) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (j) Preparing or reviewing responses to candidate questionnaires.

- (k) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (l) Campaigning for any elective office or for or against any referendum question.
- (m) Managing or working on a campaign for elective office or for or against any referendum question.
- (n) Serving as a delegate, alternate, or proxy to a political party convention.
- (o) Participating in any recount or challenge to the outcome of any election.

"Prohibited source," means any person or entity who:

- (a) Is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (b) Does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (c) Conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or Has an interest that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

SECTION 2-1503. PROHIBITED POLITICAL ACTIVITIES

Prohibited political activities.

- (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Village of Swansea in connection with any prohibited political activity.
- (b) At no time shall any officer or employee intentionally require any other officer or employee to perform

any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

- (c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- (d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.
- (e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

SECTION 2-1504. GIFT BAN

Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Exceptions:

- (a) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (b) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (c) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (d) Educational materials and missions.
- (e) Travel expenses for a meeting to discuss business.
- (f) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (g) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave
- (h) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered," means food or refreshments that are purchased ready to consume which are delivered by any means.
- (i) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (j) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (k) Bequests, inheritances, and other transfers at death.
- (l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

SECTION 2-1505. ETHICS ADVISOR

To the extent authorized by law and to the extent required by Section 15-1, the Treasurer of the Village is hereby appointed Ethics Advisor. The Ethics Advisor shall provide guidance to the officers and employees of the Village of Swansea concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

SECTION 2-1506. ETHICS COMMISSION

The Ordinance and Legal Review Committee of the Board of Trustees shall be the Local Ethics Commission. The Commission shall have the powers and duties set forth in Section 20-4 of the Act.

- (a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.
- (b) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- (c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall
 - issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.
- (d) If the complaint is deemed sufficient to allege a violation of Section 2-1504 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public. If the complaint is deemed sufficient to allege a violation of Section 2-1503 of this Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.
- (e) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- (f) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the [chief executive officer or other officer having authority to discipline the officer or employee], or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and

any fine imposed shall be a matter of public information.

- (g) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the [chief executive officer or other officer having authority to discipline the officer or employee or impose a fine upon the violator, or both.
- (h) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.
- (i) The Commission may fine any person who intentionally violates any provision of Article 10 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.
- (j) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

SECTION 2-1507. PENALTIES.

Penalties:

- (a) A person who intentionally violates any provision of Section 2-1503 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (b) A person who intentionally violates any provision of Section 2-1504 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (d) A violation of Section 2-1503 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Village of Swansea by filing in the circuit court information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Section 2-1504 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the Village of Swansea, or, if the Village of Swansea's Ethics Commission.
- (e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 2-1503 or Section 2-1504 of this Ordinance is subject to discipline or discharge.

SECTION 2-1508. EXISTING ETHICS ORDINANCE.

This Section does not repeal or otherwise amend or modify any existing ordinances or policies, which regulate the conduct of the Village of Swansea officers and employees. To the extent that any such existing ordinances or policies are less restrictive

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

SECTION 2-1509. FUTURE AMENDMENTS TO THE ACT.

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

SECTION 2-1510. FUTURE DECLARATION OF UNCONSTITUTIONALITY OF THE ACT.

- (A) If the Illinois Supreme Court declare the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or re-hearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village of Swansea if the Act is found unconstitutional by the Illinois Supreme Court.
- (B) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village of Swansea. (Ord 1374, 5/17/2004)

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CHAPTER 2

MUNICIPAL OFFICERS AND ADMINISTRATION

PART 16

BUSINESS DISTRICT DEVELOPMENT AND REDEVELOPMENT COMMISSION

SECTION 2-1601. CREATION.

SECTION 2-1602. MEMBERSHIP.

SECTION 2-1603. APPOINTMENT AND TERM OF OFFICE.

SECTION 2-1604. COMPENSATION.

SECTION 2-1605. PROCEDURE.

SECTION 2-1606. POWERS AND DUTIES.

SECTION 2-1601. CREATION.

In order that the business district of the Village of Swansea be maintained and revitalized, a Business District Development and Redevelopment Commission is hereby created.

SECTION 2-1602. MEMBERSHIP.

(A) The Village of Swansea Business District Development and Redevelopment Commission shall consist of three (3) members, with at least one (1) of the members being a resident of the Village of Swansea, and two (2) members shall either own real property within the designated Business District, or own or be an executive of a business within the designated business district. In addition, there shall be two non-voting advisors to the Commission, the Village Administrator and the Building and Zoning Director.

(B) Two (2) members of the Business District Development and Redevelopment Commission shall constitute a quorum, and no meeting or public hearing shall be conducted without a quorum being present.

SECTION 2-1603. APPOINTMENT AND TERM OF OFFICE.

(A) Members of the Business District Development and Redevelopment Commission shall be appointed by the President of the Board,

with the advice and consent of the Board of Trustees.

(B) The initial term of office for members appointed as of the effective date of this ordinance shall commence upon appointment by the President of the Board, made with the advice and consent of the Board of Trustees, and expiring on April 30, 2009. Thereafter, members shall serve for a period of one (1) year, commencing upon appointment by the President of the Board, made with the advice and consent of the Board of Trustees, and expiring on April 30 of the following year.

(C) One of the members so appointed shall be named as Chairman at the time of his or her appointment and empowered with the authority to call and preside over meetings.

(D) Any member of the Business District Development and Redevelopment Commission desiring to resign his or her appointment before said term has expired shall notify the President of the Board of Trustees in writing.

(1) A resignation so received shall be effective upon the date it is received by the President unless another date is specifically provided for.

(2) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a

successor for the unexpired term of the member.

(E) The President, with the advice and consent of the Board of Trustees, may remove any member of the Business District Development and Redevelopment Commission, with or without cause.

(1) Members of the Business District Development and Redevelopment Commission shall be removed for unexcused absences in excess of two per year. Absences may be excused by the Commission Chairman.

(2) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member so removed.

SECTION 2-1604. COMPENSATION.

The members of the Business District Development and Redevelopment Commission shall receive a salary or compensation such as is provided by the President and Board of Trustees.

SECTION 2-1605. PROCEDURE.

(A) Immediately upon its creation, the members of the Business District Development and Redevelopment Commission shall meet, organize, designate a recorder of meeting minutes and adopt rules and regulations of organization and procedure consistent with Village ordinances and State laws. Thereafter, the Business District Development and Redevelopment Commission may change or alter any such rules or regulations.

(B) The Business District Development and Redevelopment Commission shall keep written records of its proceedings, which shall be open at all times to public inspection

SECTION 2-1606. POWERS AND DUTIES.

The Business District Development and Redevelopment Commission shall have the following powers and duties:

(A) To recommend programs to the Board of Trustees to enhance the financial viability of businesses within the Business District, the boundaries of said district, having been previously set or hereafter set by the Board of Trustees;

(B) To recommend to the Board of Trustees the construction of improvements to the streets, sidewalks and other public facilities within the designated Business District;

(C) To recommend to the Board of Trustees promotional activities to increase the recognition of the businesses within the designated Business District;

(D) To recommend to the Board of Trustees the provision of financial assistance, through loans or through the reimbursement of expenses, to business owners within the business district for improvements made to the exteriors and signage of their buildings, within a budget established by the Board of Trustees. (Ord 1523, Jul 21, 2008)