

PALATINE CODE OF ORDINANCES – CHAPTER 2 - ADMINISTRATION

Chapter 2 ADMINISTRATION*

*Cross reference(s) --Eminent domain, Ch. 20.

Editor's Note: Ordinance #0-15-02 enacted January 28, 2001 replaced Articles II through X, and XXV
Editor's Note: Ordinance #0-132-03 enacted October 20, 2003, added a new Article XXX
Editor's Note: Ordinance #0-109-05 enacted June 6, 2005, amended Article XXX
Editor's Note: Ordinance #0-15-08 enacted January 21, 2008 replaced Article XIX Board of Health
Editor's Note: Ordinance #0-110-11 enacted October 10, 2011 replaced Article XIII Peer Review Board
Editor's Note: Ordinance #0-101-12, enacted July 9, 2012 replaced Article XX Fire & Police
Editor's Note: Ordinance #O-91-21, enacted August 9, 2021 replaced Chapter 2 in its entirety
Editor's Note: Ordinance #O-27-23, enacted March 20, 2023 replaced Article XXIII Planning and Zoning Commission
Editor's Note: Ordinance #O-71-24, enacted August 5, 2024, removed in its entirety Article XIX Board of Health

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ARTICLE I. IN GENERAL

Sec. 2-1. Corporate seal.

The corporate seal of the Village shall be as follows: An oval emblem with the words “VILLAGE OF” around the top of the oval border with the words “Est 1866” around the bottom of the border; the center of the oval will contain the word “PALATINE” in Black on a taupe colored background. A likeness of the image is:



Sec. 2-1-1. Organizational structure.

Council Manager Form of Government

The Village operates under the Council Manager Form of Government as that form of Government is defined in the Illinois Statutes. This statement is declarative of the existing form of Government of the Village.

(Ord. #0-16-09, §1, 1/19/09

Sec. 2-2. Fiscal year.

The fiscal year of the Village shall begin on the first day of January and end on the thirty-first day of December of each year. (Code 1961, § 8.602; Ord. No. 0-141-98, §1, 9-14-98)

State law reference(s) --Similar provisions, 65ILCS5/1-1-2.

Sec. 2-3. Elections.

Elections for municipal offices shall be held as is provided by statute, and at the time prescribed by statute. (Code 1961, § 8.605)

State law reference(s) --For provisions controlling local elections see 10ILCS5/4-1.

Sec. 2-4. Surety bonds.

Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in this state as a surety company, in the absence of specific provision to the contrary by ordinance. Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against any loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the board may order a new surety or sureties to be secured on such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his assignee, the board shall declare the bond to be void, and thereupon such principal or assignee, shall be deemed to have surrendered the privilege or position as condition of which the bond was required. (Code 1961, § 8.606)

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Sec. 2-5. Use of Village-owned or leased building.

No person, group or organization, excepting boards, and agencies of the Village, shall be granted a permit to use or occupy a building owned or leased by the Village other than meeting rooms unless such person, group or organization shall first furnish and deliver to the Village a certificate of insurance, issued by an insurance carrier and approved by the Village, providing the Village of Palatine with public liability (and dram shop liability when necessary) insurance covering such use or occupancy, with a policy limit of not less than one million dollars (\$1,000,000.00) or any other conditions and requirements set forth by the Corporate Authorities or Village Manager. (Ord. No. O-82-75, §1, 11-24-75; Ord. 0-16-09, §2, 1-19-09)

Editor's note: Ord. No. O-82-75, §1, amended 1961 Code by adding the provisions included herein as § 2-5.

Sec. 2-6. Disposition of unclaimed security deposits.

(a) In all cases where monies are deposited with the Village as a bond or security for the satisfactory construction, repair or installation of improvements to property or for the performance of any other act, which monies are refundable upon the satisfactory completion or performance of the same pursuant to this Code or any other ordinance of the Village, said monies will be considered abandoned, unclaimed and forfeited to the Village if not claimed by the person or persons entitled thereto within two (2) years after the time when such monies have become refundable (hereinafter referred to as the "forfeiture date"). For purposes of this section, "refundable" shall mean repayable by the Village to the party depositing such monies with the Village, upon such party's meeting or performing the work, improvements or other act for which the same monies were deposited as security under the requirements of the Village Code or ordinances.

(b) Except as provided in subparagraph (c) below, not more than ninety (90) nor less than thirty (30) days before the forfeiture date, the Village Clerk shall notify the depositor or any successors or assigns of the depositor of which said clerk has notice, by registered mail to such persons at their last known address or addresses, that the deposit will be forfeited to the Village if not claimed on or before the forfeiture date. In the event said monies are not claimed by the person or persons entitled thereto on or before the forfeiture date, said monies shall be deemed forfeited to the Village and the Village Clerk shall notify the Village treasurer that the monies have been forfeited to the Village. The Village treasurer thereupon shall promptly transfer said monies to the Palatine General Fund.

(c) In the case of cash deposits made pursuant to section 2.07(a)(9) of the Building Code of Palatine before commencing any work for which a building permit has been issued, such deposits shall become refundable following final inspection and approval by the Village of the project for which the building permit has been issued. Refunds shall be made by the Village directly to the permittee; provided, however, that final inspection must be requested by the permittee within the two-year term of the building permit, or any extension or renewal thereof. Failure by the permittee to request final inspection within said term, extension or renewal, shall cause the deposit to be forfeited to the Village. The Village shall send notice of the forfeiture date to the permittee as provided in subparagraph (b) above not more than ninety (90) days nor less than thirty (30) days before the forfeiture date.

Sec. 2-7. Use of Village name, departments, agencies, etc., in solicitations and promotions.

No person, firm or corporation, including any employee, department, division or agency of the Village, shall use the name: "The Village of Palatine" or the name of any department, agency, committee, commission or office of the Village, or the seal or other insignia or symbol of the Village, in the promotion of or solicitation for funds or donations, including fund-raising events or benefits, without the prior written permission of the Village Manager. Any application for a permit to promote, solicit or conduct a benefit or fund-raising event shall be made to the Village Manager in writing. Such applications shall set forth the proposed plan for fund raising, including methods of solicitation and promotion, and shall designate a reasonable amount or percent of the proceeds to be allocated for Village expenses to be incurred in connection with the event, promotion or solicitation. Any approval or fund-raising event shall specify the amount or percent of the proceeds which will be allocated to the Village to cover its expenses.

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Any denial of an application for such permit may be appealed by a written letter of appeal to the Mayor and Village Council of the Village. Such letter of appeal must be delivered to the Village Manager within ten (10) days following his denial. The Mayor and Village Council shall hear and act on said appeal at their next regular meeting following receipt of the letter of appeal by the Village Manager. The decision of the Mayor and Village Council shall be final. (Ord. No. O-70-81, § 1, 8-10-81)

Sec. 2-8. Displaying the flag.

All Village public buildings shall display the flag(s) at in accordance of the Flag Code, Title 4, United States Code, Chapter 1. The following flags shall be the only flags authorized to be flown or otherwise displayed on Village owned, leased, or otherwise controlled buildings or property:

the flags of the United States, the State of Illinois, the Village of Palatine, and POW/MIA can be flown at half-staff upon the death of public officials. The flags shall remain at half-staff during each day they are normally flown until lowered at the end of the day on which the funeral is solemnized.

On occasions where Village public safety personnel or military personnel residing in Palatine or employed by the Village are killed in the line of duty or as otherwise determined by the Mayor, the Mayor may deem it appropriate to order all flags flown at half-staff. The flags shall remain at half-staff during each day they are normally flown until lowered at the end of the day on which the funeral is solemnized.

The honor and reverence accorded this solemn act shall not be diminished by the display of the Nation's and State's flags at half-staff on occasions of local tragedy wherein the Village's flag flown at half-staff would be more appropriate. (Ord. No. 0-268-04, §1, 12/13/04)

Secs. 2-9--2-15. Reserved.

ARTICLE II. VILLAGE COUNCIL

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article II in its entirety.

Sec. 2-16. Election; functions.

The Village Council shall consist of six (6) council members. Each council member shall be elected from a district as established by Ordinance 0-100-80, a true copy of which shall be maintained in the office of the Village Clerk. Each of the districts established under said ordinance shall be represented by one council member who shall have been an actual resident of the district for at least six (6) months prior to his or her election. Only the electors of a district shall elect the council member from that district. Council members shall serve in staggered terms with three (3) districts up for election every two (2) years. Council members in Districts 1, 4 and 6 shall serve four (4) year terms elected in 2021 and every four (4) years thereafter and council members in Districts 2, 3 and 5 shall serve four (4) year terms elected in 2019 and every four (4) years thereafter. All council shall hold office for a four-year term, and until their successors are elected and have qualified. This Village Council shall be the legislative department of the Village government, and shall perform such duties and have such powers as may be delegated to it by statute, this code or ordinance. All policies, directives and requests from the Village Council or a council member to any department director or employee shall be made or transmitted through the Village Manager. (Code 1961, § 2.101; Ord. No. O-34-81, § 1, 4-20-81)

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On and after April 14, 1997, the Board of Trustees of the Village of Palatine shall be the Village Council of the Village of Palatine, and shall be known as Council Members.

The term "Trustee" as used in any ordinance, resolution, motion or other action of the corporate authorities shall mean "Council Member." (Ord. No. O-190-96, § 1, 10-14-96)

The term "Corporate Authorities" as used in this Code, any ordinance, resolution, motion or other action shall mean collectively the "Mayor" and the "Village Council". Nothing contained herein, however, in the use of the term "Corporate Authorities" shall be deemed to modify or otherwise expand the limits on the Mayor's authority to vote pursuant to 2-96 of the Village Code or pursuant to the Illinois Municipal Code.

The terms of the elected municipal officials shall commence at the first regular or special meeting of the corporate authorities following the proclamation of the results of the regular municipal election at which the officers were elected. (Ord. #0-26-09, §2, 3/2/09)

Sec. 2-17. Oath; Salary.

Each Council Member shall take the following oath of office:

"I, _____, having been elected to the office of Council Member of the Village of Palatine in the Village of Palatine, County of Cook, 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 Council Member according to the best of my ability."

and shall receive such compensation as may be from time to time provided by ordinance.
(Code 1961, § 2.102)

State law reference(s)--Similar provisions, 65ILCS5/3-14-3.

Sec. 2-18. Meetings--Regular.

The regular meetings of the Corporate Authorities shall be held on the first, second and third Monday of each month, except when such regular meeting falls on one of the following holidays: Memorial Day, Independence Day, Labor Day or any other day that has been designated by the Village Manager as a holiday for employees in a given year. In each such case, the regular meeting shall be held on the Tuesday following such holiday. All regular meetings shall begin at 7:00 p.m. and no notice thereof shall be required. (Code 1961, § 2.103; Ord. No. O-143-86, § 1, 10-13-86, Ord. 0-31-03, § 1 2-3-03)

Sec. 2-19. Same--Special.

Special meetings may be called by the Mayor or by any three (3) Council Members upon at least forty-eight (48) hours' notice to all Council Members and the Mayor; provided that the Mayor and all Council Members are present at a special meeting, no notice of the meeting shall be necessary other than the public notice required by statute. (Code 1961, § 2.104; Ord. No. 0-55-95, §1, 5-22-95.)

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Sec. 2-20. Committees--Standing.

The following shall be the standing committees of the Village Council:

- (1) Administration, Technology and Community Health;
- (2) Business, Finance and Budget;
- (3) Community and Economic Development;
- (4) Fire Policy and Community Information;
- (5) Infrastructure and Environment;
- (6) Police Policy and Code Services.

The Chair and Vice Chair of each committee shall be appointed by the Mayor, with the consent of the Village Council for a one year term starting May 1. The Chair and Vice Chair shall rotate each year by District. (District 1 shall be succeeded by District 2 on the following May 1, etc.) Each member of the Village Council, including the Mayor, shall, by virtue of his office, be a member of all committees with the right to vote. A quorum of the committee shall be determined to be present whenever four (4) members are present. In the event that the Chair and Vice Chair are not present for a quorum, the remaining members shall select an Acting Chair for that meeting.

Each committee shall have such powers and consider such matters as may be referred to it from time to time by the Mayor and Village Council or assigned to it by the Village Manager. However, each committee shall only make policy recommendations to the Village Council and shall not provide administrative direction to the departments that report to the Village Manager. (Code 1961, § 2.106; Ord. No. O-44-76, § 1, 4-26-76; Ord. No. O-43-77, § 1, 5-23-77; Ord. No. O-60-85, § 1, 7-22-85; Ord. No. O-33-91, § 1, 4-15-91; Ord. No. 0-49-95, § 1, 5-22-95; Ord. No. 0-157-96, § 1, 8-26-96)

Sec. 2-21. Same--Special.

Special committees shall be created from time to time as is directed by the Mayor and Village Council. (Code 1961, § 2.107)

Sec. 2-22. Advisory referenda.

It shall be the policy of the Corporate Authorities to submit questions of public policy to the voters of the Village in special advisory referenda upon receipt of a petition therefor, signed by not less than twenty per cent (20%) of the registered voters residing in the Village.

Such special advisory referenda shall be held not more than ninety (90) days after the receipt of such petition. Notice of such election shall be published and given not less than fifteen (15) or more than thirty (30) days prior to the date of such election.

Such petition may be filed with the Corporate Authorities and/or with the clerk. (Code 1961, § 2.108)

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Sec. 2-23. Ordinances; approval; veto.

All ordinances, resolutions and motions:

- (1) Which create any liability against the Village, or
- (2) Which provide for the expenditure or appropriation of its money, or
- (3) Sell any Village property and all ordinances passed by the Corporate Authorities.

shall be deposited with the Clerk. If the Mayor approves of them, the Mayor shall sign them. Those of which the Mayor disapproves, the Mayor shall return to the Village Council, with the Mayor's written objections, at the next regular meeting of the Village Council occurring not less than five (5) days after their passage. The Mayor may disapprove of any one (1) or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution with the Mayor's written objections, within the designated time, it shall become effective despite the absence of the Mayor's signature. (Code 1961, § 2.111)

Sec. 2-23.1 Ordaining clause.

The ordaining clause of ordinances in the Village of Palatine shall be: "Be it ordained by the Mayor and Village Council of the Village of Palatine". (Ord. No. 0-90-97, 5-27-97)

Sec. 2-24. Reconsideration; passing over veto.

Every ordinance, resolution and motion specified in the preceding section, and every ordinance, which is returned to the Village Council by the Mayor shall be reconsidered by the Village Council. If, after such reconsideration of two-thirds (2/3) of all the Council Members then holding office the Village Council shall agree to pass an ordinance, resolution, or motion notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. (Code 1961, § 2.112)

Sec. 2-25. Order of business.

The order of business to be observed at all meetings of the Corporate Authorities shall be as follows:

1. Roll call;
2. Pledge to the flag;
3. Public hearings;
4. Approval of minutes of previous meeting or meetings;
5. Mayor's Report;
6. Committee of the Whole Meeting
(Individual Committee Meetings);
7. Consent agenda;
8. Reports of standing committees;
9. Reports of Village officers;
10. Closed Session, as required;
11. Recognition of audience-non-agenda items

(Code 1961, § 2.201; Ord. No. O-67-78, § 1, 8-14-78; Ord. No. O-172-86, § 1, 12-8-86; Ord. No. 0-166-96, §1, 9/23/96, Ord. No. 0-149-04, §1, 7-12-04)

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Sec. 2-26. Consent agenda.

The Village Manager shall prepare and list on the agenda for each regular meeting of the Corporate Authorities under "consent agenda" all items to be submitted to the Corporate Authorities for a vote which are deemed by the Village Manager to be non-controversial. The monthly warrant covering the approval of payment of bills shall be a consent agenda item unless the Mayor or any Council Member(s) advise the Village Manager to the contrary. A copy of the consent agenda shall be posted on the Village hall bulletin board not later than 10:00 a.m. of the third calendar day preceding the day of the regular meeting at which it will be considered. The public records of all proceedings held and action taken on each consent agenda item shall be available for public inspection at all reasonable times during normal business hours. Upon request of the Mayor or any Council Member, made prior to the vote on consent agenda items, any item listed on the consent agenda shall be removed therefrom and considered separately.

When the consent agenda shall be reached in the order of business, a single motion shall be in order to act on all such items and a single roll call shall be taken on such motion. The resulting vote shall be deemed to be the vote of the Corporate Authorities on each item on the consent agenda. (Ord. No. O-67-78, § 2, 8-14-78; Ord. No. O-64-81, § 1, 6-22-81)

Sec. 2-27. Resolutions.

Any resolutions submitted to the Corporate Authorities shall be reduced to writing before being voted upon, on request of any two (2) members of the Village Council. (Code 1961, § 2.203)

Sec. 2-28. Addressing meetings.

For non-agenda items, members of the general public may address the Corporate Authorities with concerns or comments regarding issues that are relevant to Village business. Issues that are not relevant to Village business shall not be allowed. Comments shall not include any disrespectful remarks or comments relating to individuals. All members of the public addressing the Corporate Authorities shall, at all times, maintain proper decorum. All public comments shall be addressed to the Corporate Authorities as a whole, and no comments shall be addressed to individual members of the Corporate Authorities, Village staff or other members of the public. Speakers shall use every attempt to not be repetitive of points that have been made by others. Individual citizens may be allotted three (3) minutes to address the Corporate Authorities as determined by the Mayor.

The Corporate Authorities may refer any matter of public comments to the Village Manager or an appropriate agency or other governmental unit for review, or may place the matter on a subsequent agenda for discussion, at their sole discretion.

For matters on the published agenda, comments shall be made during the agenda item, when recognized by the Mayor or Chairman of the respective Committee on which said agenda item is scheduled.

No person other than the Mayor, a member of the Village Council, or the Village Manager shall address that body at any regular or special meeting except upon consent of a majority of the members present.
(Code 1961, § 2.204)

Sec. 2-29. Procedure for passing ordinances.

(a) Except as otherwise provided in section 2-24 of this Code, each ordinance to be passed shall be introduced at a regular, adjourned or special meeting of the Corporate Authorities. At that time,

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notwithstanding any state statute pertaining to the requirement for an extraordinary vote, if a majority of the Corporate Authorities then holding office vote to accept the ordinance as to its first reading, the ordinance will be held over until the next regular, special or adjourned meeting. At such subsequent meeting or at any subsequent meeting, said ordinance may be passed as to its final passage. Provided, however, that by a majority of the corporate authorities then holding office any ordinance may be passed at its first reading without following the procedure set forth in this section.

(b) Where any member of the Corporate Authority believes that he or she has a conflict of interest on any matter before the Corporate Authority, that member shall publicly so state the existence and general nature of the interest prior to the time a vote is taken and shall recuse him or herself from voting on that matter. Where recusal occurs, that member's failure to vote shall not be counted as either an "aye" or "nay" vote, and that member shall be counted toward a quorum, but shall not be counted toward the number of members upon which a majority is based.

(c) This section shall not otherwise effect the instances in which the Mayor is required to vote under Illinois Municipal Code (65 ILCS 5/5-3-5. (Code 1961, § 2.205; Ord. No. O-154-89, § 1, 10-16-90; Ord. No. O-146-91, § 1, 10-14-91)

Sec. 2-30. Suspension of rules.

The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the Corporate Authorities present at any meeting. (Code 1961, § 2.206)

Sec. 2-31. Committee of the whole.

The rules of order governing the Village Council shall permit the committee of the whole to rise to standing or special committees as may from time to time be appointed by the Mayor and Village Council. (Code 1961, § 2.206.1)

Sec. 2-32. Robert's Rules of Order.

Robert's Rules of Order shall govern the deliberations of the Village Council except when in conflicts with any of the foregoing rules. (Code 1961, § 2.207)

Secs. 2-33--2-41. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article III in its entirety.

Sec. 2-42. Effect.

The provisions of this article shall apply alike to all officers and employees of the Village, regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee. (Code 1961, § 8.101)

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Sec. 2-43. Term of office; vacancies.

Every appointed officer of the Village shall hold office until his successor is appointed and qualified, unless otherwise provided by statute, any other provision of this Code or other ordinance. A vacancy in any such office shall be filled in the same manner as the original appointment. (Code 1961, § 8.103)

Sec. 2-44. Reserved.

Sec. 2-45. Oath.

Every officer of the Village shall, before entering upon his duties, take an oath of office. (Code 1961, § 8.105)

State law reference(s)--Similar provisions, 65ILCS5/3-14-3.

Sec. 2-46. Salaries.

All officers and employees of the Village shall receive such salary as may be from time to time provided by ordinance. (Code 1961, § 8.106)

Sec. 2-47. Assignment of duties.

In the event of a conflict between an appointed officer and the Village Manager, the Corporate Authorities shall have the power to resolve any dispute over an assignment to any appointed officer or over any duty which is not assigned by ordinance to some other specific appointed officer; and shall determine disputes or questions relating to the respective powers or duties of such officers. (Code 1961, § 8.107)

Sec. 2-48. Records.

All records kept by any officer of the Village shall be open to inspection by the Corporate Authorities at all reasonable times, whether or not such records are required to be kept by statute or ordinance. (Code 1961, § 8.108)

Sec. 2-49. Bond.

Every officer and employee shall, if required by the Corporate Authorities, and at the expense of the Village, upon entering upon the duties of his office, to give a bond in such amount and with such sureties as may be determined by said Corporate Authorities, conditioned upon the faithful performance of the duties of the office or position.
(Code 1961, § 8.109)

Sec. 2-50. Termination of office.

Every officer and employee of the Village, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records and other items which may be the property of the Village, and if no successor has been appointed within one week after the termination of office such property shall be delivered to the Village Manager. (Code 1961, § 8.111)

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Sec. 2-51. Campaigning and political involvement.

No employee, or compensated officer, other than an elected officer of the Village shall campaign for, or make a contribution, either in cash or kind, to the campaign of any candidate for office within the Village. It shall be unlawful for any person to coerce or solicit an officer or employee of the Village to campaign for or contribute, either in cash or in kind, to the campaign of any candidate for Village office within the Village. No appointment to employment by the Village, or discharge or removal therefrom, or demotion or other unfavorable personnel action affecting an officer or employee of the Village of Palatine shall be conditioned upon a requirement that such officer or employee campaign for, support or contribute, either in cash or in kind, to the campaign of any candidate for Village office with the Village.

The Village Manager shall set forth the text of this section in the Employee Handbook, and in addition, shall serve copies of the same upon each employee of the Village as part of their initial employee orientation

Sec. 2-52. Power to arrest.

The Mayor, members of the Village Council, the Village Manager, sworn members of the fire department and sworn member of the police department are hereby declared to be conservators of the peace, with such powers to make arrests as are given to conservators of the peace by statute. (Code 1961, § 8.110)

Sec. 2-53. Actions against employee; defend and indemnify.

For the purposes of only this section, the word "employee" includes the Mayor, a Council Member, the Village Clerk, the Village Manager, the Village attorney, the Village prosecutor, the treasurer, an officer, member of a board, commission or committee, servant or employee, whether or not compensated, but does not include an independent contractor.

If any claim or action is instituted against an employee or former employee of the Village based on an injury allegedly arising out of an act or omission occurring within the scope of his employment as such employee, the Village may elect to do any one or more of the following:

- (1) Appear and defend against claim or action;
- (2) Indemnify the employee or former employee for his court costs incurred in the defense of such claim or action;
- (3) Pay, or indemnify the employee or former employee for a judgment based on such claim or action, or
- (4) Pay, or indemnify the employee or former employee for, a compromise or settlement of such a claim or action. (Ord. No. O-58-82, § 1, 6-14-82)

Secs. 2-54--2-65. Reserved.

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ARTICLE IV. VILLAGE CLERK*

***State law reference(s)**--For powers and duties of clerk see 65ILCS5/3-10-9.

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article IV in its entirety.

Sec. 2-66. Election; term.

The clerk shall be elected and serve for a four (4) year term and until a successor is elected and qualified. (Code 1961, § 3.001)

Sec. 2-67. Bond.

Before entering upon the duties of office the clerk shall execute a bond in such amount and with such sureties as is provided by statute, conditioned upon the faithful performance of the clerk's duties. (Code 1961, § 3.002)

Sec. 2-68. Signatures.

The clerk shall seal and attest all ordinances, resolutions and motions adopted by the Corporate Authorities and all contracts of the Village and all licenses, permits and such documents that require the clerk's seal and signature. (Code 1961, § 3.003)

Sec. 2-69. Money collected.

The clerk shall turn over all money received on behalf of the Village to the Village treasurer promptly upon receipt of the same; and with such money he shall give a statement as to the source thereof. (Code 1961, § 3.004)

Sec. 2-70. Reserved.

Sec. 2-71. Records.

The clerk shall keep a record of ordinances and such other records as may be required by the board. (Code 1961, § 3.006)

Sec. 2-72. Seal.

The clerk shall be the custodian of the Village seal, and shall affix its impression on documents whenever this is required. (Code 1961, § 3.007)

Sec. 2-73. Documents.

The clerk shall be the custodian of all documents belonging to the Village which are not assigned to the custody of some other officer. (Code 1961, § 3.008)

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Sec. 2-74. Same--Indices.

The clerk shall keep and maintain a proper index to all documents and records kept, so that ready access thereto may be had. (Code 1961, § 3.009)

Sec. 2-75. Additional duties.

In addition to the duties herein provided the clerk shall perform such other duties and functions which may be required by this Code or ordinance. (Code 1961, § 3.010)

Sec. 2-76. Vacancies.

In case the office of clerk shall become vacant for any reason, the Corporate Authorities shall appoint a successor. (Code 1961, § 3.011)

Sec. 2-77. Deputy.

There is hereby created office of deputy clerk, to be appointed by the clerk.

The deputy clerk may perform any duty and exercise any power delegated to the clerk. (Code 1961, § 3.012)

State law reference(s)--Appointment of deputy, 65ILCS5/3-6-3.

Secs. 2-78--2-90. Reserved.

ARTICLE V. MAYOR

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article V in its entirety.

Sec. 2-91. Election and term of office.

The Mayor shall be elected for a term of four (4) years. (Code 1961, § 1.001)

On and after April 14, 1997, the Village President shall be the Mayor of the Village of Palatine.

The term "Village President" as used in any ordinance, resolution, motion or other action of the corporate authorities shall mean "Mayor". (Ord. No. 0-190-96, §2, 10-14-96)

State law reference(s)--For provisions relating to election of the Mayor, see 65ILCS5/3-5-1.

Sec. 2-92. Duties.

Pursuant to the Illinois Municipal Code (65 ILCS 5/3.1-15-10 (2001)), the Mayor is recognized as the chief executive officer. The Mayor shall be recognized as the presiding officer at all meetings of the Village Council and on all ceremonial occasions. The Mayor shall be recognized as the official head of the Village by the courts for the purpose of serving process and by the governor for all legal purposes. The

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Mayor shall perform all duties that may be required by statute, this Code or ordinance and shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time. All policies, directives and requests from the Mayor to any department director or employee shall be made or transmitted through the manager. The Mayor shall execute all ordinances, resolutions and motions of the Corporate Authorities, all contracts of the Village and all licenses, permits and such and other documents that require the Mayor's signature.

Sec. 2-93. Designation of duties. [Intentionally Deleted]

Sec. 2-94. Bond; oath; salary.

Before entering upon the duties of his office, the Mayor shall give a bond with sureties to be approved by the Village Council and at the expense of the Village, conditioned upon the faithful performance of the Mayor's duties, in the sum of at least three thousand dollars (\$3,000.00), or such higher sum as may be directed by the Village Council. The Mayor shall take the following oath of office:

"I, _____, having been elected to the office of Mayor of the Village of Palatine in the Village of Palatine, County of Cook aforesaid, 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 Mayor according to the best of my ability."

and shall receive such compensation as may be set from time to time by the Village Council. (Code 1961, § 1.004)

Sec. 2-95. Mayor Pro-Tem.

During a temporary absence from the Village, or disability of the Mayor, the Village Council shall at the next meeting of the Village Council after the temporary absence or disability is known, elect one of its members to act as Mayor pro-tem, who in the event of a temporary absence shall perform the duties and possess the rights and powers pertaining to the office for the length of that meeting, and in the event of a longer term disability or absence shall perform the duties and possess the rights and powers pertaining to the office for the term specified by the Village Council, but for no longer than the length of the Mayor's disability or absence.. (Code 1961, § 1.005)

Sec. 2-96. Mayor to preside; deciding vote.

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

- (1) Where the vote of the Council Members has resulted in a tie; or
- (2) Where three (3) of the Council Members have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or
- (3) Where a vote greater than a majority of the Corporate Authorities is required by this Code to adopt an ordinance, resolution or motion.

In each instance specified, the Mayor shall vote.

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Nothing in this section shall deprive a Mayor Pro-Tem from voting in the capacity as a Council Member, but the Council Member shall not be entitled to another vote in the capacity as Mayor Pro-Tem. (Code 1961, § 2.110; Ord. No. O-42-81, § 1, 4-27-81)

Secs. 2-97--2-105. Reserved.

ARTICLE VI. VILLAGE MANAGER

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article VI in its entirety.
Editor's Note: Ordinance 0-16-09 enacted January 19, 2009, replaced several sections in Article VI.

Sec. 2-106. Creation of office.

The office of the Village Manager is hereby created. (Code 1961, § 4.101)

Sec. 2-107. Appointment.

The Village Manager shall be appointed by the Mayor by and with the advice and consent of the Village Council for an indefinite term. The Village Manager shall be chosen on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties set forth in this Chapter. The Village Manager shall only be removed by a two-thirds vote of the Corporate Authorities.

Neither the Mayor nor any Council Member of the Village shall receive such appointment during the term for which the Mayor or any Council Member has been elected. (Code 1961, §4.102)

This Section shall only be amended by a two-thirds vote of the Corporate Authorities.

Sec. 2-108. Powers and duties.

The manager shall be the chief administrative officer of the Village with full authority to carry out the executive and ministerial functions of government. The manager shall be responsible to the Corporate Authorities for the proper administration of all the affairs of the Village and shall perform all duties that may be required by statute, this Code or ordinance. The manager shall be empowered and required to:

- (1) Enforce all laws and ordinances of the Village.
- (2) Attend all meetings of the Corporate Authorities. The manager shall have the right to take part in the discussion of all matters coming before the Corporate Authorities but shall have no right to vote. The manager shall be entitled to notice of all special and regular meetings of the Corporate Authorities.
- (3) Recommend to the Corporate Authorities adoption of such measures as the manager may deem necessary or expedient.
- (4) Appoint, suspend or remove all department directors and employees of the Village, except the Village attorney, Village prosecutor, Village treasurer, members of any advisory bodies appointed by the Corporate Authorities; and such appointments, suspensions or removals shall be based upon the merit and fitness of such employee, without regard to political belief or affiliation. The manager may authorize a department director to appoint, suspend or remove subordinates in such department.

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(5) Whenever there is a question as to the respective duties or powers of any appointed officers of the Village in the first instance (subject to the Village Council's authority to settle any disputes between the appointed officer and the manager), this shall be settled by the manager and the manager shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform that duty.

(6) Exercise control and supervision over all department directors, appointed officers and employees of the Village.

(7) Make recommendations to the Corporate Authorities concerning compensation ranges for each department director, appointed officer, and employee in the Village service, including minimum, intermediate and maximum rates.

(8) Recommend to the Corporate Authorities the creating, consolidating and combining of offices, positions, departments or units of the Village.

(9) Investigate all complaints in relation to matters concerning the administration of the government of the Village and services maintained by the public utilities in the Village and see that all franchises, permits and privileges granted by the Village are faithfully observed. Such investigation shall include the authority to retain special outside counsel.

(10)

- a. The Village Manager is hereby authorized to make expenditures of forty thousand dollars (\$40,000.00) or less for which funds were provided in the annual budget ordinance for all items necessary for the running of the Village.
- b. For all materials, supplies, and equipment that for a purchase of more than twenty thousand dollars (\$20,000.00), he shall solicit quotations and for all purchases of more than forty thousand dollars (\$40,000.00) he shall be required to receive sealed bids unless quotations are deemed by the Manager to be more appropriate and present such bids or quotations to the Corporate Authorities for approval or rejection.
- c. When a purchase that is unbudgeted or exceeds \$40,000 and is deemed by the Village Manager to be an emergency, meaning an imminent threat to the public health, safety or welfare of the general public, the Village Manager shall be authorized to make such purchase and advise the Village Council of said purchase immediately. The Village Council shall affirm said purchase at the next regularly scheduled meeting.

(Ord. No. 0-2-99, §1,1-11-99, Ord. No. 0-69-07, §1, 5/7/07)

(11) Prepare or cause to be prepared, on or before December 15 of each year, a report of estimated funds necessary to defray the expenses of the Village for the fiscal year; prepare, or cause to be prepared the annual budget ordinance in time for consideration and enactment by the Corporate Authorities during the fourth quarter of the fiscal year; and, prepare, or cause to be prepared, the tax levy ordinance and upon enactment thereof file a certified copy with the county clerk before the end of the fourth quarter.(Ord. No. 0-141-98, §2, 9-14-98)

(12) Submit to the Corporate Authorities, promptly following the end of the fiscal year, a complete report on the finances and administrative activities of the Village for said fiscal year.

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- (13) Present to the Corporate Authorities each quarter a statement showing the exact financial condition of the Village as of the end of the preceding quarter and showing amounts appropriated, amounts expended and unexpended balances in the several items of appropriation.
- (14) Keep a current inventory of all real and personal property of the Village and the location of such property. He shall be responsible for the care and custody of all Village property which is not by law assigned to some other officer or body for care and control.
- (15) Devote his entire time to the discharge of his official duties.
- (16) Perform such other duties as may be required by resolution or ordinance of the Corporate Authorities. (Code 1961, § 4.103; Ord. No. O-83-83, § 1, 12-12-83)
- (17) Negotiate and execute all leases and license agreements of Village owned property on behalf of the Village. (Ord. No. 0-67-99, §1, 5-24-99)
- (18) Waive or otherwise discount required fees associated with Village services and permits when deemed by the Village Manager to be in the best interest of the Village or community.
- (19) When more than twenty-one (21) days elapse between regularly scheduled Council meetings and in concurrence with the recommendation of the Director of Finance, approve interim warrants of expenditures as appropriate. Each interim warrant approved by the Village Manager shall be presented to the Corporate Authorities for ratifications at the next regularly scheduled Village Council meeting.

Sec. 2-109. Bond.

The manager shall furnish a bond, if required by the Corporate Authorities and at the expense of the Village in such amount and with such surety as may be approved by the Village Council, said bond to be conditioned on the faithful performance of the manager's duties. (Code 1961, § 4.104)

Sec. 2-110. Acting manager.

During an extended absence or extended disability of the manager the Corporate Authorities shall appoint an acting manager, with all the powers and duties of that office. The acting manager shall perform all the duties thereof without furnishing any additional bond, if such appointee shall already be under bond to the Village in any other capacity. If such appointment shall be of a person not already under bond to the Village such appointee shall furnish a bond, if required by the Corporate Authorities and at the expense of the Village, in such amount and with such surety as may be approved by the Village Council. During a temporary absence or temporary disability, the manager may appoint an acting manager. (Code 1961, § 4.105)

Sec. 2-111. Settlement of litigation.

In the event there is litigation or potential litigation involving the Village of Palatine or Workers Compensation claims, the Village Manager shall be authorized settlement authority on behalf of the Village under the following limitations:

- (1) Settlements of \$30,000 or less – Authorized by the Village Manager

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- (2) Settlements between \$30,001 and \$75,000 – Village Manager shall advise the Corporate Authorities of the proposed settlement and allow the Corporate Authorities the opportunity to discuss the matter at the first regularly scheduled Council Meeting following such notice. Should the Corporate Authorities not elect to discuss the matter and provide other direction, then the Manager shall be authorized to settle.
- (3) Settlements over \$75,000 – Corporate Authority discussion and action will be required.

As it relates to workers compensation claims, the above-guidelines would be for settlement purposes of payments to employees. Medical related expenses and workers compensation wages are paid separately and required under law.

Sec. 2-112. Disposal of property.

(1) Property Less Than \$1,000 in Value.

Whenever the Village owns any personal property which is determined by the Village Manager to be no longer necessary or useful to, or for the best interest of the Village and having an original value of less than \$1,000, the Village Manager, at his discretion, may authorize the disposal of said property, without any further action of the corporate authorities.

(2) Property between \$1,000 and \$10,000 in Value

Whenever the Village owns any personal property which is determined by the Village Manager, in accordance with this section, to be no longer necessary or useful to, or for the best interest of the Village, and said property originally having a value of \$1,000 or more and currently having a value of less than \$10,000, the Village Manager shall be authorized to dispose of such personal property in accordance with the following conditions and procedures:

- (A) The Village Manager or his designee shall make a written determination that the property is no longer needed by the Village and shall set forth reasons therefor.
- (B) The Village Manager or his designee shall set forth in writing, attaching such documentation as he deems necessary, the basis for his determination when the property is of a value of \$10,000 or less.
- (C) The Village Manager shall solicit proposals for the purchase of such property, sell it at public auction, scrap the property, or authorize a trade of it for the purchase of other property, whichever, in his judgment, such activity will generate a greater return and efficiency to the Village. If the Village Manager chooses to solicit proposals, he may do so by such means as he deems suited to generate the best response. If the property cannot be disposed of through the preceding means, the Village Manager shall at his discretion authorize disposal without any further action of the corporate authority.
- (D) Following the sale or disposition of such property, the Village Manager shall prepare a written report thereof and file the same with the Mayor and Village Council, on an annual basis.
- (E) Disposal or sale of the property hereunder shall not be made to an officer or employee of the Village or to a person related by blood or marriage to an officer or employee of the Village, except items sold at public auction.

(3) Property over \$10,000 in Value; Having Title.

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Whenever the Village owns any personal property which is determined by the Village Manager to be no longer necessary or useful to, or for the best interest of the Village, and having a value of more than \$10,000, or consisting of an item having a title (i.e., vehicle), the items may only be disposed in accordance with the Village Council action.

(Ord. No. O-85-86, § 1, 8-11-86; Ord. No. 0-69-07, §2, 5/7/07)

(4) Real Estate Property Owned by the Village

The Corporate Authorities of the Village of Palatine has the power to direct the conveyance of any real estate owned by the Village, when, in the opinion of the Corporate Authorities, the real estate is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the Village. This power shall be exercised by an ordinance passed by three-fourths of the Village Council then holding office, at any regular or at any special meeting called for that purpose.

Except as otherwise required by State statute and in exercise of its Home Rule authority, the Village Manager shall determine the appropriate method to dispose of real estate owned by the Village. At a minimum, the location of the real estate to be disposed of shall be published on the Village website for a minimum of fourteen (14) calendar days prior to Village Council action to dispose of the property.

(Ord. No. O-73-22, 07/11/22)

Secs. 2-113--2-120. Reserved.

ARTICLE VII. VILLAGE ATTORNEY*

***State law reference(s)**--Appointment of municipal attorney, 65ILCS5/3-7-1, 65ILCS5/3-7-3.

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article VII in its entirety.

Sec. 2-121. Employment; special counsel.

The Village attorney shall be appointed by the Mayor by and with the advice and consent of the Village Council. The Village attorney shall represent or advise the Village on legal matters; and he may likewise retain special counsel to advise or represent the Village on special matters or to assist the attorney for the Village. The Village attorney may be removed by a majority vote of the Corporate Authorities. (Code 1961, § 4.201)

Sec. 2-122. Suits and actions.

The attorney shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against or by, any officer of the Village on behalf of the Village or in the capacity of such person as an officer of the Village, except for suits assigned to the Village prosecutor. (Code 1961, § 4.202)

Sec. 2-123. Judgments.

It shall be the duty of the attorney to see to the full enforcement of all judgments or decrees entered in favor of the Village, and of all similar interlocutory orders. (Code 1961, § 4.203)

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Sec. 2-124. Advice.

The attorney shall be the legal adviser of the Village and shall render advice on all legal questions affecting it, whenever requested to do so by any Village official. Upon request by the Mayor, the Manager or a Council Member, the attorney shall reduce any such opinion to writing. (Code 1961, § 4.204)

Secs. 2-125--2-135. Reserved.

ARTICLE VIII. VILLAGE PROSECUTOR

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article VIII in its entirety.

Sec. 2-136. Creation of office.

There is hereby created the office of Village prosecutor. (Code 1961, § 4.901)

Sec. 2-137. Appointment and qualifications.

The Village prosecutor shall be appointed by the Mayor by and with the advice and consent of the Village Council. The Village prosecutor may be removed by a majority vote of the Corporate Authorities. The Village prosecutor shall be an attorney, duly licensed to practice in the state. (Code 1961, § 4.902)

Sec. 2-138. Duties.

(a) The Village prosecutor shall be responsible for the prosecution under this Code and all other Village ordinances, except those which may be from time to time, assigned to the Village attorney for prosecution.

(b) The Village prosecutor shall consult with the Village attorney relative to practices and procedures employed in the discharge of the duties as Village prosecutor and shall make recommendations to the Village attorney, when deemed advisable or necessary, for improvements of the administration of justice in the area for which the Village prosecutor is responsible.

(c) The Village prosecutor shall make such other and further reports as may be required by the Corporate Authorities. (Code 1961, § 4.903)

Secs. 2-139--2-150. Reserved.

ARTICLE IX. VILLAGE TREASURER*

***State law reference(s)--Duties of treasurer, 65ILCS5/3-10-1.**

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article IX in its entirety.

Sec. 2-151. Appointment.

There is hereby created the office of Village treasurer. The Village treasurer shall be appointed by the Mayor by and with the advice and consent of the Village Council. The treasurer shall serve for one

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(1) year. The Village treasurer may be removed by a majority vote of the Corporate Authorities. (Code 1961, § 4.301)

State law reference(s)--Power to appoint treasurer, 65ILCS5/3-8-1.

Sec. 2-151.1. Qualifications.

The Village treasurer shall have competence, derived from a combination of education and employment in one (1) or more of the following areas of financial and investment management:

- (1) Certified public accountant.
- (2) Registered security principal.
- (3) Registered investment adviser.
- (4) Certified financial planner.
- (5) Public finance.

(Ord. No. O-43-90, § 1, 4-23-90)

Sec. 2-152. Ex-officio collector.

The Village treasurer shall be ex-officio collector and shall perform all duties of the office. (Code 1961, § 4.302)

Sec. 2-153. Bond.

The Village treasurer shall give the Village a bond, before entering upon the duties of the office, in the sum required by the Corporate Authorities, and at the expense of the Village, but such amount shall not be less than that required by statute. This bond shall be conditioned upon the faithful performance of the duties by the treasurer, and shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the treasurer. (Code 1961, § 4.303)

State law reference(s)--Bonding of officers, 65ILCS3/3-13-3.

Sec. 2-154. General duties.

The treasurer shall perform such duties as may be prescribed by ordinance. The treasurer shall receive all money paid into the Village whether directly from the person paying the money or from the hands of such other officer or employee as may receive it, and he shall pay out money only on vouchers or orders properly signed by the Mayor and attested to by the clerk.

In the event that the Village Treasurer is unable to perform the duties set forth in this section, the Director of Finance shall be authorized to perform all said duties.

(Code 1961, § 4.304)

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Sec. 2-155. Deposit of funds.

The treasurer shall deposit the Village funds in such depositories, as may be selected from time to time as provided by law; and shall keep the deposit of the Village money separate and distinct from the treasurer's own money, and shall not make private or personal use of any Village money. (Code 1961, § 4.305)

Sec. 2-156. Records.

The treasurer shall keep records showing all money received showing the source from which it is received and the purpose for which it is paid and the disposition of it, and shall keep records at all times showing the financial status of the Village. (Code 1961, § 4.306)

Sec. 2-157. Accounting.

The treasurer shall keep such books and accounts as may be required by statute, this Code or ordinance, and shall keep them in the manner required by the Corporate Authorities. (Code 1961, § 4.307)

Sec. 2-157.1 Publication of Annual Treasurer's Report.

The Village Clerk shall, within six months after the end of each fiscal year, and after having received a copy of the annual treasurer's report, publish a notice in a newspaper advising of the availability of said annual report and that the same may be inspected or copied at the office of the Village Clerk. (Ord. No. O-33-93, 4-12-93)

Sec. 2-158. Special assessment funds.

All moneys received on any special assessment shall be held by the treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued therefor, together with interest thereon, for which the assessment was made, and said money shall be used for no other purpose, unless to reimburse the Village for money expended for such improvement. Payments on bonds or vouchers shall be made in accordance with the statutes and the law and the treasurer shall keep the books and accounts in such a manner so that proper proration's in payments of principal and interest can be made and ascertained. (Code 1961, § 4.308)

Sec. 2-159. Warrants--Transfer of funds.

All warrants drawn on the treasurer must be signed by the Mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and no money shall be otherwise paid except as may be provided by statute. Money shall not be transferred by the treasurer from one fund to another, after it has been received, nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the Corporate Authorities. (Code 1961, § 4.309)

Secs. 2-160--2-170. Reserved.

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ARTICLE X. DEPARTMENT OF PUBLIC WORKS AND ENGINEERING*

*Editor's note--Ord. No. O-100-77, § 1, enacted Sept. 12, 1977, repealed former Art. X, §§ 2-171-2-177, relative to the director of public works, and enacted in lieu thereof a new Art. X, §§ 2.171--2-181, as herein set out. Former Art. X was derived from Code 1961, §§ 4.401--4.407.

Subsequent to the above amendment, Ord. No. O-17-92, adopted Feb. 24, 1992, amended Art. X to read as herein set out.

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article X in its entirety.

Sec. 2-171. Department created; composition.

There is hereby created a department of public works and engineering which shall consist of the director of public works and engineering and such other members as may be provided from time to time by the Corporate Authorities.

(Ord. No. O-100-77, § 1, 9-12-77; Ord. No. O-17-92, § 1, 2-24-92)

Sec. 2-172. Office of director of public works and engineering created; appointment.

There is hereby created the office of director of public works and engineering, an executive office of the Village. (Ord. No. O-100-77, § 1, 9-12-77; Ord. No. O-17-92, § 1, 2-24-92)

Sec. 2-173. Duties and functions of department.

The department of public works and engineering shall be responsible for the repair and maintenance of all property, facilities and improvements owned by or under the jurisdiction of the Village, the landscaping and planting of all trees and shrubs on Village property, the design and location of all traffic control devices, the planning, designing and construction of all public streets, alleys and driveways, sewers, sewage disposal plants, street lighting systems, and water systems and all engineering requirements of the Village. (Ord. No. O-100-77, § 1, 9-12-77; Ord. No. O-17-92, § 1, 2.24-92)

ARTICLE XI. DEPARTMENT OF COMMUNITY DEVELOPMENT*

*Editor's note--Ord. No. O-100-77, § 1, enacted Sept. 12, 1977, repealed former Art. XI, §§ 2-191--2-197, relative to the building and zoning administrator, and enacted in lieu thereof a new Art. XI, §§ 2-191--2-196, as herein set out. Former Art. XI was derived from Code 1961, §§ 4.501--4.506, 4.508.

Sec. 2-191. Department created; composition.

There is hereby created a department of community development which shall consist of the director of community development and such other members as may be provided from time to time by the Corporate Authorities. (Ord. No. O-100-77, § 1, 9-12-77)

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Sec. 2-192. Office of director of community development created; appointment.

There is hereby created the office of director of community development, an executive office of the Village. (Ord. No. O-100-77,   1, 9-12-77)

Cross reference(s) --Director of community development,   6-1.03.

Sec. 2-193. Duties and functions of director generally.

The director of community development shall be responsible for enforcement of all ordinance and Code provisions relating to building and zoning, inspection of all buildings and structures being erected or altered, as frequently as may be necessary to ensure compliance with Village ordinances, the design, construction and erection of all facilities, buildings, structures and improvements on Village-owned property and all planning and zoning requirements of the Village. The director of community development also shall have and perform the duties assigned to him in the building code. (Ord. No. O-100-77,   1, 9-12-77)

Cross reference(s)--Building codes and building regulations generally, Ch. 6; qualifications and duties of enforcement of community development director,   6-1.03; housing, Ch. 10; streets and sidewalks, Ch. 16; trees and shrubs,   16-101 et seq.; traffic, Ch. 18; water and sewer services, Ch. 19; zoning, App. A; subdivisions, App. B.

Sec. 2-194. Duty of director to act as electrical inspector.

The director of community development shall have the authority and be charged with the duty of enforcing all ordinance provisions relating to electrical wiring and equipment. (Ord. No. O-100-77,   1, 9-12-77)

Sec. 2-195. Duty of director to act as plumbing inspector.

The director of community development shall have the authority and be charged with the duty of enforcing all ordinance provisions relating to the installation, care and standards of plumbing. (Ord. No. O-100-77,   1, 9-12-77)

Sec. 2-196. Duty of director to forward copies of permits to assessor.

In addition to all other duties, the director of community development shall forward to the township assessor and county assessor a copy of each building permit issued as required by law or by statute. (Ord. No. O-100-77,   1, 9-12-77)

Secs. 2-197--2-210. Reserved.

ARTICLE XII. RESERVED

Sec. 2-211-213. Reserved

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ARTICLE XIII. PEER JURY AND YOUTH OFFICER

[Editor's Note: Ord. 0-110-11 enacted October 3, 2011 replaced Article XIII]

Sec. 2-226. Establishment.

A peer jury is hereby established for the Village of Palatine. The peer jury shall be operated and conducted in accordance with the provisions of this article. The Palatine Police Department shall designate a police department youth officer to have the duties and perform the functions described in this article. (Ord. No. O-5-80, 1, 1-14-80)

Sec. 2-227. General policy.

The peer jury shall provide a youth charged with an offense defined in section 2-229 and referred by the youth officer an alternative to criminal prosecution by the Palatine Village prosecutor or Cook County States' Attorney by appearing before the peer jury for sentencing to the following, but limited to: community service hours, writing a letter of apology to the victim, writing a report that is related to the crime, attending educational workshops and/or counseling, attending an adult bond hearing and, where applicable, making restitution, if directed. It will be the function of the peer jury to conduct hearings, assign appropriate sentences and where applicable, to direct restitution. (Ord. No. O-5-80, §1, 1-14-80)

Sec. 2-228. Peer jury membership.

Membership on the peer jury shall be voluntary. The roster of jurors shall be comprised of no more than twenty-five (25) youth volunteers or any such other number as determined by the Chief of Police and Village Manager. All members shall be at least thirteen (13) years of age but less than eighteen (18) years of age. Members shall be selected by the youth officer, youth unit supervisor, and peer jury moderator. Members of the peer jury shall be residents of Palatine or attend a school in Palatine. Members shall be selected for a term that will end upon graduation from high school, or when they turn 18 whichever comes first or until they resign or are removed. There shall be no limit other than the age limitation provided herein on the length of terms members may serve. (Ord. No. O-5-80, §1, 1-14-80; Ord. No. O-13-81, §1, 2-9-81)

Sec. 2-229. Offenses.

Offenses for which the peer jury may be selected shall be violations of the Code of Ordinances of the Village of Palatine, including but not limited to, curfew violations, vandalism, theft, bicycle safety or possession of alcohol or cannabis and minor crimes found in the Illinois Criminal Statutes. (Ord. No. O-5-80, §1, 1-14-80)

Sec. 2-230. Eligibility to appear before peer jury.

Any person under the age of eighteen (18) charged with an offense described in section 2-229, together with his or her parents or legal guardian, may elect to have his or her case presented to the jury upon the express approval of the youth officer in the manner described in section 2-231. (Ord. No. O-5-80, §1, 1-14-80)

Sec. 2-231. Procedure.

Upon being charged with an offense described in section 2-229, the youth officer shall determine whether the accused is eligible to appear before the peer jury. Upon a determination that the case may be heard by the peer jury, the youth officer will inform the parents or legal guardian of the accused of the peer jury program and the possibility of having the case referred to the peer jury. If the accused and his or her parents or legal guardian consent to having the accused appear before the peer jury, each of them shall sign a sworn statement evidencing such consent and accepting the provisions of this article, in the following form:

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CONSENT TO APPEAR BEFORE THE PALATINE PEER JURY

I, _____, "the accused" (a person under the age of eighteen (18) years) and _____ (parent(s) or legal guardian) and each of us, do hereby consent to the appearance of the accused, _____, before the Village of Palatine peer jury for sentencing to but not limited to: community service hours, writing a letter of apology to the victim, writing a report that is related to the crime, attending educational workshops and/or counseling, attending an adult bond hearing and, where applicable, to make restitution, if directed, in accordance with Art. XIII of the Code of Ordinances of the Village of Palatine. We, and each of us, understand and agree that in the event the accused, _____, does not satisfactorily complete the sentence and, where applicable, make restitution, if directed, the Village of Palatine shall be free to prosecute the accused, _____, for the offense of _____ violation of the Code of Ordinances of the Village of Palatine, Sec. _____ or in violation of chapter _____ **Illinois Criminal Statutes act _____/Section_____**; and each of the undersigned having been fully informed of the rights of the accused, _____, to reject referral to the peer jury nevertheless have freely and voluntarily consented to such referral.

The undersigned further consent to having the accused, _____, assume such reasonable risks as may be involved in the performance of the assigned work project.

(Signature of Accused)

(Signature of Parent or Guardian)

Upon proper completion and execution of the above consent form, a date shall be assigned for the accused appearance before the peer jury.

The youth officer shall have complete discretion, even in the case of first offenders, in deciding whether to refer a case to the peer jury. The peer jury may not hear a case without it first having been referred by the youth officer.

On the date assigned, the accused shall appear before the peer jury, and the charges against the accused shall be read to him or her. All sessions of the peer jury shall be closed to the public. The accused may offer an explanation of his conduct with any mitigating or extenuating circumstances. The youth officer may also make a statement to the jury. Members of the peer jury may question the accused (and may hear testimony from such other voluntary witnesses as they deem appropriate.) Thereafter, the peer jury will adjourn to private deliberation and members will determine an appropriate sentence) and restitution, if any, for the accused. A sentence, shall be executed by the moderator of the peer jury and delivered to the youth officer. The peer jury will then reconvene and the moderator shall read the sentence) in the presence of the accused.

The youth officer or a person assigned by the youth officer shall be responsible for enforcing the sentence of the peer jury. Upon satisfactory completion of the sentence, the youth officer shall notify the peer jury. If the sentence is not completed satisfactorily within the time period assigned, the youth officer shall determine whether the matter shall be turned over to the Palatine Village sentence-or payment of restitution, if any. (Ord. No. O-5-80, § 1, 1-14-80; Ord. No. O-33-80, § 1, 4-14-80)

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Sec. 2-232. Rules, regulations and procedure.

The youth officer shall attend all meetings of the peer jury and shall prepare a docket) of the proceedings. Under no circumstances shall the docket or the events of any proceeding before the peer jury be part of any public record, or the name and address of the accused or his or her parents or legal guardian be made available for public inspection. (Ord. No. O-5-80, § 1, 1-14-80)

Sec. 2-233. Peer jury moderator.

All meetings of the peer jury shall be presided over by the moderator, who shall be selected by the youth officer, youth unit supervisor and approved by the chief of police. The peer jury adult moderator will be a voluntary position and a resident of Palatine who is licensed to practice law or an attorney that has a law practice within Palatine. The peer jury moderator term will be indefinite. (Ord. No. O-5-80, □ 1, 1-14-80; Ord. No. O-13-81, □ 1, 2-9-81)

Sec. 2-234. Schedule.

The peer jury shall meet monthly on a pre-established weekday evening at 7:00 p.m. and may adjourn and reconvene from time to time as it sees fit. The youth officer may call an extraordinary meeting of the peer jury in his discretion when the situation warrants. (Ord. No. O-5-80, □ § 1, 1-14-80)

Secs. 2-235--2-250. Reserved.

ARTICLE XIV. BOARD OF LOCAL IMPROVEMENTS*

***State law reference(s)** --Authority for board of local improvement, 65ILCS5/5-3-11.

Sec. 2-251. Appointments.

There is hereby established the board of local improvements for the Village, which shall consist of the Mayor and all members of the Village Council. (Code 1961, § 7.101)

Sec. 2-252. General duties.

The board of local improvements shall have the powers and perform the duties assigned to it by statute or ordinance. (Code 1961, § 7.102)

Sec. 2-253. Meetings.

Meetings of the board of local improvements may be called by the Mayor or any three (3) Council Members in the manner provided for calling special meetings of the Village Council. (Code 1961, § 7.103)

Secs. 2-254--2-270. Reserved.

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ARTICLE XV. DISTRICT CITIZEN ADVISORY MEETINGS*

***Editor's note**--Ord. No. O-79-83, § 1, adopted Nov. 14, 1983, repealed former Art. XV, §§ 2-271--2-280, "Palatine Advisory Board," and enacted a new Art. XV, §§ 2-271--2-278, as set out herein. The repealed sections derived from Ord. No. O-86-74, adopted Oct. 28, 1974, and Ord. No. O-56-78, adopted July 10, 1978.

Sec. 2-271. General policy.

The purpose of the district citizen advisory meetings is to provide forums for all citizens of the Village to have an increased understanding of Village projects, issues and initiatives as well as participate in and affect the policy and decision-making process of the Village Council. In order to foster widespread participation by all areas of the Village, one such advisory group may exist for each council district. The district citizen advisory meeting shall communicate the ideas, concerns, suggestions, and proposed solutions to problems of the citizens of their district to their council member and local government. The citizen advisory meeting shall seek to increase citizen and community participation and influence upon its local government, and to foster and promote a sense of community pride and responsibility. (Ord. No. O-79-83, § 1, 11-14-83)

Sec. 2-272. Meetings The district citizen advisory meetings shall meet at the discretion of the council member.

ARTICLE XVI. RESERVED

ARTICLE XVII. BEAUTIFICATION COMMISSION*

***Editor's note**--Section 1 of Ord. No. O-131-89, adopted Sept. 25, 1989, deleted provisions formerly codified as Art. XVII, §§ 2-306--2-310, of Ch. 2 in their entirety, such provisions pertaining to the Palatine Environmental Coordinating Council and derived from Ord. No. O-7-78, § 1, adopted Feb. 13, 1978; Ord. No. O-60-78, § 1, adopted July 24, 1978; and Ord. No. O-46-82, § 1, adopted May 24, 1982. In addition, Ord. No. O-131-89 substituted provisions set out as a new Art. XVII.

Sec. 2-306. Palatine Beautification Commission.

There is hereby created a committee of the Village of Palatine to be named the Palatine Beautification Commission, which shall consist of seven (7) members appointed by the Mayor with the consent of the Village Council. The Mayor shall designate one (1) member to act as chair of the commission. Commission members shall be either Village residents or individuals operating businesses physically located within the Village of Palatine. (Ord. No. O-131-89, § 1, 9/25/89; Ord. No. O-46-06, § 1, 3/6/06; Ord. No. O-101-11, §§ 1 & 2, 9/6/11; Ord. No. O-54-14, § 1, 5/5/14)

Sec. 2-307. Terms of office.

The term of office shall be for two (2) years coinciding with the Village fiscal year commencing May 1, 1989. The Mayor may, with the consent of the Village Council, fill vacancies that may from time to time occur. (Ord. No. O-131-89, § 1, 9-25-89)

Sec. 2-308. Compensation and meetings.

Members of the commission shall serve without compensation. A meeting schedule shall be established by the commission and filed with the Village Clerk. The Village Manager, or his designee, shall serve as executive secretary of the commission and shall provide such staff as he deems appropriate to assist the commission. (Ord. No. O-131-89, § 1, 9-25-89)

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Sec. 2-309. Duties.

The duties of the beautification commission are:

- (1) To define beautification objectives and recommend a beautification plan to the Village Council.
- (2) To encourage civic awareness in beautification efforts and foster increased awareness in beautification.
- (3) To encourage improvement of commercial property by establishing a recognition program.
- (4) To influence quality of new development and improvement of existing properties by reviewing existing ordinances and petitioning for modification as appropriate.
- (5) To review and recommend specific beautification projects and programs to the Village Manager and/or Village Council as may be appropriate.
- (6) To encourage and coordinate volunteer efforts to instill or maintain plantings or other beautification projects on public rights of way.

(Ord. No. O-131-89, § 1, 9-25-89)

Secs. 2-310--2-325. Reserved.

ARTICLE XVIII. DIRECTOR OF ENVIRONMENTAL HEALTH

Sec. 2-326. Office created.

There is hereby created the office of director of environmental health.

Sec. 2-327. Duties.

- (a) The director of environmental health hereby is designated the Village health officer and shall be appointed by the Village Manager.
- (b) The director of environmental health hereby is designated as the Village law enforcement officer and his duly authorized agent(s) are charged with enforcement responsibilities under the Illinois Environmental Protection Act (415ILCS5/1). As such he shall file complaints and may cite violations or seek other authorized remedies. The director of environmental health shall receive and investigate complaints or violations of the act and regulations thereunder or any rules, regulations and orders of the Illinois Department of Public Health, Cook County Department of Public Health or any ordinances relating to Environmental Health, Public Health and Sanitation, subject to the supervision of the Village Manager and the Mayor and Village Council.

- (c) The director of environmental health shall:

- (1) Execute and enforce all ordinances of the Village relating to public health and sanitation.
 - (2) Issue such orders as may be necessary to carry out the rules approved by the Mayor and Village Council.
 - (3) Execute and enforce all provisions of this Code and other ordinances of the Village relating to the health standards maintained in every place of business in the Village where services of a personal nature are furnished to the public or where foods, food products, milk, milk products and beverages of every nature and description whatsoever are either handled, sold, given away, stored, manufactured or processed.

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- 4) Investigate the existence of any contagious disease within the village and report the same to the Cook County Department of Public Health, and act without delay in carrying out such measures for controlling the progress of the same as the Cook County Department of Public Health shall propose.
- (5) Make all necessary sanitation and health investigations and inspections and cause all nuisances, whether public or private, affecting the health of persons in private employment and the public generally, to be abated with reasonable promptness.
- (6) Initiate plans for dealing with public health problems not included in the public health program.
- (7) Perform such other duties relating to health and sanitation as the manager shall direct.
- (8) Request the police department and such other state or municipal authorities to provide such assistance as he may deem necessary in the performance of the duties of his office and cause the arrest of offenders violating any of this Code and other, Village ordinances relating to public or private nuisances, public health and sanitation.

(d) The director of environmental health shall assist all duly constituted authorities, and other municipal organizations within and without the Village, to promote and protect the public health, safety, comfort and general welfare of the people with respect to air, sound, water, and land resources of the Village.

(e) The director of environmental health shall establish and maintain liaison as necessary, with the Illinois Environmental Protection Agency, Illinois Attorney General, States Attorney of Cook County, Illinois Department of Public Health, Cook County Department of Public Health, and other branches of state and local government in order to assist and cooperate with them in matters of environmental health law enforcement.

(f) The director of environmental health shall investigate any complaint and report his findings to the appropriate Village authorities. His responsibilities shall be:

- (1) To investigate any and all appropriate complaints.
- (2) To report findings of these complaints to the appropriate Village authorities.
- (3) To attend, at the request of the appropriate chairman, all regularly scheduled meetings.
- (4) To act, advise and consult with the appropriate Village authorities in environmental and public health problems of special interest and significance.

(Code 1961, § 4.1002)

Sec. 2-328. Entry powers.

The director of environmental health shall have authority to enter at all reasonable times upon any private or public property for the purpose of inspecting and investigating to ascertain possible violations of the act or of regulations thereunder or of this Code or other Village ordinances and regulations concerning environmental health in accordance with constitutional limitations. (Code 1961, § 4.1003)

Sec. 2-329. Reports.

The director of environmental health shall make reports to the Corporate Authorities as the Village Manager may request. He may initiate recommendations through the manager to the Corporate Authorities for ordinances or resolutions concerning public health and he will prepare and submit such recommendations when directed to do so by the manager or the Village Council. (Code 1961, § 4.1004)

Secs. 2-330--2-340. Reserved.

ARTICLE XIX. RESERVED.

ARTICLE XX. FIRE AND POLICE COMMISSION*

***Editor's note**--Ord. No. O-106-76, § 1, enacted Dec. 13, 1976, repealed former Art. XX; relative to the police and fire commission, and enacted in lieu thereof a new Art. XX pertaining to the same subject matter. Former Art. XX was derived from Code 1961, §§ 7.501, 7.502, 7.505, and Ord. No. O-19-75, § 2, adopted Feb. 10, 1975. - Ord. No. 0-68-98 §1, enacted May 26, 1998, repealed former Art. XX; and enacted a new Art. XX.

Cross reference(s) --Police pension board, Ch. 2, Art. XXI; firemen's pension fund, Ch. 2, Art. XXII; fire department, Ch. 7, Art. II; police department, Ch. 13; appointments to police department, § 13-2.

Editor's Note: Ord. No. 0-101-12, enacted July 9, 2012 replaced Article XX Fire & Police Commission

Sec. 2-361. Creation; composition; term of members.

This Article XX is expressly created and shall be administered pursuant to the home rule powers of the Village of Palatine unless otherwise pre-empted by state statute. There is hereby created a Fire and Police Commission consisting of five (5) members whose terms of office shall be three (3) years and shall continue until their respective successors are appointed and have qualified.

Sec. 2-362. Appointment, qualifications, oath, and removal of members.

The Mayor, with the consent of the Village Council, shall appoint members of the Fire and Police commission. The members shall be considered officers of the Village and shall file an oath. No person shall be appointed a member who is related either by blood or marriage, up to the degree of first cousin, to any elected official of the Village. Members shall not be considered subject to removal except for cause upon written charges, and after an opportunity to be heard within thirty (30) days in his or their own defense, before a regular meeting of the Village Council. A majority vote of the elected members shall be required to remove any such member from office.

Sec. 2-363. Officers.

The Fire & Police commission will elect one of its own members to act as Chair and another to act as Secretary. The Village Administration shall provide staff support to the Commission and will have the responsibility for the keeping of minutes of the proceedings of the Fire and Police Commission, shall be custodian of all papers pertaining to the business of the Commission, shall keep a record of all examinations held, shall provide all official notices in compliance with State Statute and shall perform or cause to be performed such other duties as the Fire and Police Commission shall prescribe.

Sec. 2-364. Meeting and quorum.

The Fire and Police Commission shall meet at such time and place as shall be specified by the call of the Chair, by three (3) other members acting jointly, or by the Village Manager. Meetings also may be

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called by the Chair or by the other three (3) members acting jointly upon the request of the Fire Chief or the Police Chief. Meetings shall be held on an as-needed basis. The Village Administration shall give written notice of all meetings to each member and notify the public in accordance with the necessary posting requirements. Three (3) members shall constitute a quorum for the transaction of business. **Sec. 365. Duty to make and/or change rules to establish system of personnel administration for fire and police departments.**

The Fire and Police Commission shall make (and have the power to as necessary recommend changes to) rules to establish a system of personnel administration based on merit principles governing the appointment, promotion, dismissal, suspension, demotion and discipline of certified employees of the fire and police departments, all pursuant to 65 ILCS 5/10-2.1-5 through 65 ILCS 5/10-2.1-6.3 inclusive. Changes to the rules shall be approved by the Village Council and shall go into effect ten (10) calendar days subsequent to their publication on the Village's website.

Sec. 2-366. Attorney for commission.

The Fire Chief or the Police Chief may retain Counsel to prosecute charges brought before the Commission with prior approval of the Village Manager. The Commission will be represented by an attorney approved by the Village Manager.

Sec. 2-366.1. Police Lateral Entry Applicants.

Lateral entry to the police department shall be open to any full-time police officer who is currently employed or was employed in the last 24 months by any municipal, township, county, parish, university, state, commonwealth, federal or regularly constituted law enforcement agency. In addition to requirements set forth in 65 ILCS 5/10-2.16, applicants must:

- a) Provide documentation of two years of continuous service as a police officer and a Bachelor's Degree from an accredited 4-year college; or three years of continuous service as a police officer and an Associate's Degree from an accredited program, and
- (b) Be in good standing in the police department in which the person currently serves, or at the time of separation, and
 1. Maintains certification from the Illinois Law Enforcement Training and Standards Board as a certified full-time police officer, or
 2. If currently a certified police officer outside the State of Illinois, be eligible to be granted a waiver of basic training from the Illinois Law Enforcement Training and Standards Board.

(Ord. No. O-4-22, 01-10-22; Ord. No. O-104-24, 11-11-2024)

Sec. 2-367 – 2-380 Reserved.

ARTICLE XXI. POLICE PENSION BOARD*

*Cross reference(s) --Police and fire commission, Ch. 2, Art. XX; police department, Ch. 13.

Sec. 2-381. Creation.

There is hereby created a police pension board as provided by statute. (Code 1961, § 7.601)

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Sec. 2-382. Members.

The board shall consist of five (5) members; two (2) of whom shall be appointed by the Mayor and two, (2) of whom shall be elected from the regular police force and one (1) from the beneficiaries under the Police Pension Fund Act as created by statute; the term of such members shall be two (2) years as is provided by statute. (Code 1961, § 7.602)

State law reference(s) --Similar provisions, 40ILCS5/3-131.

Sec. 2-383. Duties.

The Police Pension Board shall have the powers and duties delegated to it by statute. (Code 1961, § 7.603)

State law reference(s) --Similar provisions, 40ILCS5/4-122.

Secs. 2-384--2-400. Reserved.

ARTICLE XXII. FIREFIGHTERS' PENSION BOARD*

***Cross reference(s)** --Police and fire commission, Ch. 2, Art. XX; fire department, Ch. 7, Art. II.

Sec. 2-401. Creation.

There is hereby created and established a Firefighters' Pension Fund in and for the Village, in accordance with 40ILCS5/4-101 et. seq. (Code 1961, § 7.1001)

Sec. 2-402. Definitions.

For the purposes of this article the term *fireman* or *firemen* and *board or board of trustees* are defined, respectively, as: full-time fireman or full-time firemen entitled to participate in the benefits of said pension fund as provided by said Article 4 of said statute and the Village Council of said pension fund. (Code 1961, § 7.1002)

Sec. 2-406. Members.

A board of trustees of the Firefighters' Pension Fund is hereby created for the administration of said fund. The board shall consist of 5 members. Two (2) members of the board shall be appointed by the Mayor. Two (2) members of the board shall be active participants of the pension fund who are elected from the active participants of the fund. One (1) member of the board shall be a person who is retired under the Firefighters' Pension Fund Act of 1919 or this Article who is elected from persons retired under the Firefighters' Pension Fund Act of 1919 or this Article. (Code 1961, □ 7.1006; Ord. #0-117-07, §1, 7/9/07)
State law reference(s) -- 40ILCS5/4-121.

Sec. 2-407. Duties.

The Firefighters' Pension Board shall have the powers and duties delegated to it by statute. 40ILCS5/4-122.

Sec. 2-408. Village treasurer to be fund treasurer.

The Village Treasurer shall be ex-officio treasurer and custodian of the pension fund. (Code 1961, § 7.1008)

State law reference(s) --Similar provisions, 40ILCS5/4-130.

Secs. 2-409--2-420. Reserved.

ARTICLE XXIII. PLANNING AND ZONING COMMISSION*

Sec. 2-421. Creation; composition; term; compensation.

There is hereby created a Planning and Zoning Commission for the Village which shall consist of up to nine (9) members, all of whom shall be Village of Palatine residents, to be appointed by the Mayor with the consent of the Village Council and whose terms of office shall be three (3) years and until their respective successors are appointed, however that the terms of the members shall be staggered. The Mayor shall designate a chairperson and vice chairperson of the Planning and Zoning Commission. No person shall be appointed to or serve on the Planning and Zoning Commission who receives compensation for employment with the Village.

Sec. 2-422. Quorum.

A majority of the Planning and Zoning Commission shall constitute a quorum, but no final action shall be taken on any measure before it except with the concurrence of a majority of those members present. The chairperson and vice chairperson shall vote with the other members of the Planning and Zoning Commission.

Sec. 2-423. Meetings.

The Planning and Zoning Commission shall meet at such times as it may determine. Special meetings may be called by the Mayor, the chairperson, or the Village Manager.

Sec. 2-424. Powers and duties.

The Planning and Zoning Commission shall have power:

- (1) To prepare and recommend to the Village Council a comprehensive plan looking to the present and future development of the Village, and to provide reasonable requirements in reference to streets, alleys, and public grounds in unsubdivided lands within the corporate limits and in contiguous territory outside and distant not more than one and one-half (1 1/2) miles from the corporate limits of the Village, insofar as the same are not included in any city, Village, or incorporated towns. After its adoption by the Village Council, this shall be known as the Village's "Comprehensive Plan."
- (2) To recommend from time to time changes to the Comprehensive Plan adopted by the Village Council.
- (3) To analyze and make recommendations upon housing, commercial, office, industrial, mixed use, or other plans.
- (4) To prepare and recommend to the Village Council from time to time plans for specific improvements in pursuance of such Comprehensive Plan or with respect to other matters referred to it by the Village Council.
- (5) To rule upon all appeals from the Village Manager on questions of zoning.
- (6) To exercise those powers provided by law to a plan commission and a zoning board of appeals.
- (7) To exercise such other powers as may be provided by statute, this Code, or ordinance.

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Sec. 2-425. Rules.

The Planning and Zoning Commission may adopt rules regulating the procedure of all meetings of the Planning and Zoning Commission. Such rules shall be filed in the office of the Village Clerk and may be amended at any meetings, such rules to be effective upon filing in the office of the Village Clerk.

Secs. 2-426--2-430. Reserved.

ARTICLE XXIV. Reserved

Secs. 2-431—2-436. Reserved.

ARTICLE XXV. Code of Ethics

Editor's Note: Ordinance 0-15-02 enacted January 28, 2002, replaced Article XXV in its entirety.

Editor's Note: Ordinance 0-232-03 enacted October 20, 2003 replaced Article XXV in its entirety.

Sec. 2-441. Definitions.

Unless the contrary is stated, or clearly appears from the context, when used in this Article, the following words and phrases shall have the meanings indicated, and where there may be any variation in interpretation between or among such phrases or terms in this Article, the more restrictive shall apply: (Ord.No.0-87-04, §1, 5-10-04)

Business entity means any organization or enterprise operated for profit, including, but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

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 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. (Ord.No.0-87-04, §2, 5-10-04)

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). (Ord.No.0-87-04, §2, 5-10-04)

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). (Ord.No.0-87-04, §2, 5-10-04)

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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. (Ord.No.0-87-04, §2, 5-10-04)

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. (Ord.No.0-87-04, §2, 5-10-04)

Consultant means the Village attorney, the Village planner, the Village engineer and any person with professional or technical expertise retained by the Village to provide professional or technical advice to the Village.

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)*. (Ord.No.0-87-04, §3, 5-10-04)

Employee means a person employed by the Village of Palatine, whether on a fulltime 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. (Ord.No.0-87-04, §3, 5-10-04)

Employer means the Village of Palatine. (Ord.No.0-87-04, §3, 5-10-04)

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. Gifts of informational material such as books, pamphlets, reports, calendars, or periodicals shall not be considered gifts for the purposes of this definition. (Ord.No.0-87-04, §4, 5-10-04)

Immediate family means an individual's spouse, dependent children, or others claimed by the individual as dependents for Federal income tax purposes.

Income means salary, wage, advance, payment, fee, honorarium or any other consideration for personal, professional, or commercial services, rent, dividends, interest, capital gains received from the sale of real or personal property, stocks or bonds, return of capital, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, contribution to an insurance or pension program paid by any person other than all employer. Income also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns directly, indirectly or beneficially, a five percent or greater interest.

Interest in real property includes, but is not limited to the following: legal or equitable title; a beneficial interest in any trust (including a land trust); any assignment of any interest from a beneficiary or any other party of an interest; a power to direct conveyance; a right to receive rents or proceeds from the property; a lien; a tax sale certificate; an option; or any other financial interest, real or personal, direct or indirect in such property including status as a nominee or undisclosed principal.

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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. (Ord.No.0-87-04, §5, 5-10-04)

Liquor licensed premises owner means the owner or owners of the legal or beneficial interest in the ideal property for which any liquor license application is filed with the Village.

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. (Ord.No.0-87-04, §6, 5-10-04)

Payment means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

Person means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.

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. (Ord.No.0-87-04, §7, 5-10-04)

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. (Ord.No.0-87-04, §7, 5-10-04)

Prohibited political activity means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. 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.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

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10. Preparing or reviewing responses to candidate questionnaires.
11. 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.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

(Ord.No.0-87-04, §7, 5-10-04)

Prohibited source means any person or entity who:

1. is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
2. 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;
3. conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
4. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee. (Ord.No.0-87-04, §7, 5-10-04)

Public official means any person who seeks to be elected or is elected to any public office in the Village, the Village Treasurer, all members of the Planning and Zoning Commission of the Village, the Village Manager and his assistant or assistants, the heads of the various Departments within the Village and the Deputy Village Clerk.

Purchase transaction means a purchase, or a contract to purchase goods or services of any kind.

Sole supplier means any person or business entity which is the only available supplier to the Village of a product or service required by the Village. Examples of "sole supplier" are such entities as electric, gas and telephone companies.

Supplier means any individual, firm, corporation, association, partnership, joint venture, sole proprietor, or other business entity which enters into a "purchase transaction" with the Village. (Ord. No. O-96-74, § 1 (A), 12-9-74; Ord. No. O-31-75, § 1, 4-28-75; Ord. No. O-1-79, § 1, 1-8-79; Ord. No. O-92-79, §§ 1, 7-9-79)

Village shall mean Village of Palatine. (Ord.No.0-87-04, §8, 5-10-04)

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Sec. 2-442. Economic Interest Statements and Ethics Acknowledgement Form

(A) Statement of *Economic Interest*. All public officials shall file, with the County clerk and with the Village Clerk, a verified Statement of Economic Interest responding in detail to the following questions:

1. List the name and instrument of ownership in any entity doing business with the unit of local government in relation to which the person is required to file, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were received during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument shall be listed.

Business Entity

Instrument of Ownership

2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor or served in any advisory capacity, from which income in excess of \$1,200 was derived during the preceding calendar year.

Name

Address

Type of Practice

3. List the nature of professional services rendered (other than to the unit of government in relation to which the person is required to file) and the nature of the entity to which they were rendered if fees exceeding \$5,000 were received during the preceding calendar year from the entity for professional services rendered by the person making the statement. (“Professional services” means services rendered in the practice of law, accounting, engineering, medicine, architecture, dentistry or clinical psychology.)

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of \$5,000 or more was realized during the preceding calendar year.

5. List the name of any entity and the nature of the governmental action requested by any entity which has applied to the unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of \$5,000 fair market value at the time of filing or if income or dividends in excess of \$1,200 were received by the person filing from the entity during the preceding calendar year.

6. List the name of any entity doing business with the unit of local government in relation to which the person is required to file from which income in excess of \$1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. No time or demand deposit in a financial institution nor any debt instrument need be listed.

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7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit of government in relation to which the person is required to file.

8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500, was received during the preceding calendar year.

VERIFICATION

I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of any economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$750.

Signature of person making the statement

Date

(B) *Prohibited Interests In Contracts.* The following interests by an elected or appointed officer in a contract are hereby prohibited as a matter of law (50 ILCS 105/3, 2001)

(1) No person holding any office, either by election or appointment under the laws or Constitution of this State, may be in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust or corporation in any contract or the performance of any work in the making or letter of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor may any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. This Section shall not apply to any person serving on an advisory panel or commission or to any director serving on a hospital district board as provided under subsection (a-5) of Section 13 of the Hospital District Law.

(2) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor, subject to the following provisions under either subparagraph (a) or (b):

(a) If:

i. the contract is with a person, firm, partnership, association, corporation, or cooperative association in which such interested member of the governing body of the municipality has less than a 7.5% share in the ownership; and

ii. such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and

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- iii. such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum; and
- iv. such contract is approved by a majority vote of those members presently holding office; and
- v. the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds \$1,500, or awarded without bidding if the amount of the contract is less than \$1,500; and
- vi. the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed \$25,000.

(b) If:

- i. the award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting; and
- ii. the amount of the contract does not exceed \$2,000; and
- iii. the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed \$4,000; and
- iv. such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and
- v. such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(c) In addition to the above exemptions, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

- i. the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the municipality, advisory panel, or commission has less than a 1 percent share in the ownership; and
- ii. the award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting; and
- iii. such interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and
- iv. such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(3) For the purposes of this Section only, a municipal officer shall not be deemed interested if the officer is an employee of a company or owns or holds an interest of 1 percent or less in the municipal officer's individual name in a company, or both, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a national recognized securities market, provided the interested member:

- (i) publicly discloses the fact that he or she is an employee or holds an interest of 1 percent or less in a

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company before deliberation of the proposed award of the contract; (ii) refrains from evaluating, recommending, approving, deliberating, or otherwise participating in negotiation, approval, or both, of the contract, work, or business; (iii) abstains from voting on the award of the contract though he or she shall be considered present for purposes of establishing a quorum; and (iv) the contract is approved by a majority vote of those members currently holding office.

(4) A municipal officer shall not be deemed interested if the officer owns or holds an interest of 1 percent or less, not in the officer's individual name but through a mutual fund, in a company that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market.

(C) *Pecuniary Interest Allowed in Contracts of Deposit and Financial Service with local Banks and Savings and Loan Associations.* Pursuant to state law (50 ILCS 104/3.2, 2001) pecuniary interests by an elected or appointed office holder are permitted, subject to the following conditions. Nothing in this Code, including the restrictions set forth in subparagraphs (B) (2) and (3) shall preclude a contract of deposit of monies, loans, or other financial services by a unit of local government or a police or firefighter's pension fund established under Article 3 or 4 of the Illinois Pension Code with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the unit are interested in the bank or savings and loan association as a director, an officer, employee, or holder of less than 7.5 percent of the total ownership interest. A member or members holding such an interest in such a contract shall not be deemed to be holding a prohibited interest for purposes of this Act. The interested member or members of the governing body must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. The interested member or members shall not vote on such a proposed award and voting under this Section may be considered present for purposes of establishing a quorum. Award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the unit or district.

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D. ***Ethics Acknowledgement.*** All public officials and consultants shall file with the Village Clerk a verified ethics acknowledgement form in substantially the following form:

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

TO: The Mayor and Village Council of the Village of Palatine, Illinois

ETHICS ACKNOWLEDGEMENT FORM

I, _____, being first duly sworn, upon my oath, state as follows:

- (1) I have been **(please circle one:** elected, or appointed or hired or I intend to run for election) as the _____ of the Village of Palatine.
- (2) I have read and acknowledged the requirements in 50 ILCS 105/3 (the Prohibited Interests and Contracts Act), as fully set forth in Paragraph B above. I understand that I must abide by its terms.
- (3) I have read and acknowledge the requirements of 5 ILCS 425/1, et seq, 2001, (the State Gift Ban Act). I understand that I must abide by its terms.
- (4) I have read and acknowledge the requirements in 50 ILCS 105/3.2, 2001 (Pecuniary Interests and Contracts requirement), as fully set forth in paragraph C above. I understand that I must abide by its terms.

I, _____, declare that the foregoing statements have been examined by me and are, to the best of my knowledge and belief, true, correct and accurate. I have received from the Village Clerk copies of Article XXV, Chapter 2 of the Municipal Code of the Village of Palatine (Code of Ethics) and statutes of the State of Illinois pertaining to conflicts of interest, income disclosure and misconduct by public office holders (including the State Gift Ban Act, 5 ILCS 425/1, et seq and the Prohibited Interests and Contract Act, 50 ILCS 105/3, 2001). I understand that the penalty for willfully attesting to a false disclaimer is a fine not to exceed seven hundred and fifty dollars (\$750.00).

Dated: _____

Signature

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(E) Future Amendments or Declaration of Unconstitutionality of Prohibited Interests in Contracts Act (50 ILCS 105/3, 2001) and State Gift Ban Act (5 ILCS 425/1 et seq, 2001)

(a) Any amendment to the Prohibited Interests in Contracts Act (50 ILCS 105/3 et seq, 2001 or to the State Gift Ban Act (5 ILCS 425/1 et seq. 2001, that becomes effective after the passage of this ordinance, shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation and acceptance of gifts. However, any language 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.

(b) If the Illinois Supreme Court declares the Prohibited Interests in Contracts Act (50 ILCS 105/3, et seq., 2001) or the State Gift Ban Act (5 ILCS 425/1 et. seq., 2001), unconstitutional in its entirety, then this Section shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or re-hearings.

(c) If the Illinois Supreme Court declares part(s) of the Prohibited Interests in Contracts Act (50 ILCS 105/3, et seq., 2001 or the State Gift Ban Act (5 ILCS 425/1 et. seq., 2001), unconstitutional but upholds the constitutionality of the remainder of these Acts or does not address the remainder of these Acts, then the remainder of these Acts as adopted by this Section, shall remain in full force and effect; however, that part of this Section relating to the part of the Acts found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(F) *Filing schedule.* The Economic Interest Statements and Ethics Acknowledgement Form required above shall be completed on forms approved by the Corporate Authorities and provided by the Village Clerk. Economic Interest Statements and/or Ethics Acknowledgement Form shall be filed pursuant to the following schedule:

(1) All public officials and consultants shall file their disclosure statements and/or Ethics Acknowledgement Form annually within thirty (30) days after May 1st.

2) Any candidate for elective public office within the Village shall file within fifteen (15) days after his nominating petitions are filed.

(3) Any person appointed as a public official, retained as a consultant or hired as an employee shall, if required to do so by this article, file an Economic Interest Statement and Ethics Acknowledgement Form within thirty (30) days of his appointment, retention or hiring.

(4) Any person elected to public office within the Village shall file within thirty (30) days of his election.

(5) Revised Economic Interest Statement and Ethics Acknowledgement Form shall be filed within thirty (30) days following any event which would require a change in any information or disclaimers contained in the statement or disclaimer on file with the Village Clerk.

Not less than fifteen (15) days before the filing dates specified above, except the filing date specified in subparagraph (5), the Village Clerk shall, by first class mail or personal delivery, notify the persons required to file Economic Interest Statements and Ethics Acknowledgement Form of their obligation to file. The Village Clerk shall provide each person filing such statements with a written receipt indicating the date on which the filing took place. In addition, the Village Clerk shall, at least fourteen (14) days prior to the filing dates specified above, provide each person required to file an Economic Interest Statement and Ethics Acknowledgement Form with a copy of this article and those portions of the statutes of the State of Illinois deemed relevant to governmental ethics by the Village Council. (Ord. #0-16-09, §4, 1/19/09)

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(G) *Public access.* All statements and disclosures filed under this section shall be available for examination and copying by the public at all reasonable times. Each person examining a statement and disclosure must first fill out a form prepared by the Village Clerk identifying the examiner by name, occupation, address and telephone number, and listing the date of examination and reason for such examination. The Village Clerk shall promptly notify each person required to file a statement and disclosure under this article of each instance of an examination of his statement by sending him a duplicate original of the identification form filled out by the person examining his statement.

(H) Any person required to file the statement provided for in this section who knowingly fails to so file, or knowingly files a false or incomplete statement shall be guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars (\$750.00). (Ord. No. O-96-74, § 1(B)--(F), 12-9-74; Ord. No. O-31-75, § 3, 4-28-75; Ord. No. O-37-75, § 1, 5-26-75; Ord. No. O-109-77, § 1, 10-10-77; Ord. No. O-1-79, § 2, 1-8-79; Ord. No. O-92-79, §§ 2, 3, 7-9-79; Ord. No. O-5-98§2,1-26-98)

Sec. 2-443. Supplier's statement.

All bidding forms and request for proposals for purchase transactions between the Village and a supplier shall contain the following provision as one of the terms and conditions of such transaction:

The undersigned supplier hereby represents and warrants to the Village of Palatine as a term and condition of acceptance of this (bid or proposal) that none of the following Village officials is either an officer or director of supplier or owns five per cent (5%) or more of supplier: The Mayor; the members of the Village Council; the Village Clerk; the Village Treasurer; the members of the Planning and Zoning Commission; the Village Manager and his assistant or assistants; the heads of the various departments within the Village. If the foregoing representation and warranty is inaccurate, state the name of the Village official who either is officer or director of your business entity or owns five per cent (5%) or more thereof.

The Village Clerk shall promptly notify the Village Council of any person named by suppliers in response to the foregoing inquiry.

Any person who executes a contract knowing that the statement set out above or any part thereof is false shall be guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars (\$750.00). (Ord. No. O-96-74, § 1 (G), 12-9-74; Ord. No. O-5-98§2,1-26-98)

Sec. 2-444. Use of public property for personal convenience or profit prohibited.

No public official shall request or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally. Public officials may use Village-owned vehicles, equipment, materials or property only in the conduct of official business, when consistent with Village policy. (Ord. No. O-109-77, § 2, 10-10-77)

[Editor's Note: New Sections. 2-445—2-448 were added pursuant to Ord. 0-87-04, passed on May 10, 2004]

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Sec. 2-445. Prohibited political activities

Sec 2-445.1. 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 Palatine 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.

Sec. 2-446. Gift ban.

Sec. 2-446.1. 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.

Sec. 2-446.2. Exceptions. Section 2-446.1 is not applicable to the following:

- 1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- 2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- 3) 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.

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- 4) Educational materials and missions.
- 5) Travel expenses for a meeting to discuss business.
- 6) 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.
- 7) 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 the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- 8) Food or refreshments not exceeding \$75.00 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.
- 9) 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.
- 10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental 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.
- 11) Bequests, inheritances, and other transfers at death.
- 12) 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.

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Sec. 2-446.3. 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.

Sec. 2-447 Ethics commission.

Sec. 2-447.1. There is hereby created a commission to be known as the “Ethics Commission of the Village of Palatine” (“Commission”). The Commission shall be comprised of the Mayor, the Village Clerk, and the senior Village Council Member. If any member of the Commission is the subject of a complaint filed under this Ordinance, for that complaint only, the next senior Village Council Member shall serve on the Commission.

Sec. 2-447.2. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 Commissioners. A quorum shall consist of two Commissioners, and official action by the Commission shall require the affirmative vote of two members.

Sec. 2-447.3. The Mayor, with the advice and consent of the Village Council, may remove a Commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the Commissioner by certified mail, return receipt requested, of a copy of the written charges against the Commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Any vacancy shall be filled by appointment of the next most senior Village Council Member. If in filling any vacancy it is determined that there is more than one Council Member with the same level of highest seniority, then the Commission chair shall decide who is then to be appointed.

Sec. 2-447.4. The Commission shall have the following powers and duties:

- 1) To meet periodically, if necessary, to promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- 2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct
- 3) hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 2-448.1(c) of this Ordinance and refer violations of Section 2-445 or Section 2-446 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.
- 4) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.
- 5) To compel the attendance of witnesses by subpoena and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Village to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

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- 6) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

Sec. 2-447.5.

(a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.

(b) Within three 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 three 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 seven business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Section 2-446 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 four 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 2-445 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.

(d) 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.

(e) 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 of the alleged violator and to the Mayor, Village Council, and Village Manager, and in the instance where the Village Manager is the subject of the complaint, then such recommendation to the Mayor and the Assistant Village Manager, 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.

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(f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven 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 fourteen 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 seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Mayor, Village Council, and Village Manager or impose a fine upon the violator, or both.

(g) If a complaint is filed during the sixty 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 seven days after the complaint is filed, and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(h) The Commission may fine any person who intentionally violates any provision of Section 2-446 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.

(i) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

Sec. 2-448. Penalties

Sec. 2-448.1. Penalties.

(a) A person who intentionally violates any provision of Section 2-445 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 2-446 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 2-445 of this Ordinance shall be prosecuted as a criminal offense by the Village attorney by filing in the circuit court an 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.

1. A violation of Section 2-446 of this Ordinance may be prosecuted as a quasi-criminal offense by the Village attorney, or by the Ethics Commission through the designated administrative procedure.

(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 2-445 or Section 2-446 of this Ordinance is subject to discipline or discharge.

PALATINE CODE OF ORDINANCES – CHAPTER 2 - ADMINISTRATION

Sec. 2-449. Use or disclosure of confidential information.

No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended. (Ord. 0-51-05, §1, 3/14/05)

Sec. 2-450. Post-employment restrictions.

(a) No former official or employee shall assist or represent any person or entity other than the Village in any judicial or administrative proceeding involving the Village if the official or employee participated personally and substantively in the proceeding during his term of office or employment.

(b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, be involved in, or assist or represent any person or entity in any business or land use transaction involving the Village. This shall not preclude a former official or employee from representing himself or herself or representing any business owned by the former official or employee, regarding any matter or transaction involving the Village. (Ord. 0-51-05, §1, 3/14/05)

Secs. 2-451--2-458. Reserved.

ARTICLE XXVI. FINANCE

DIVISION 1. GENERALLY

Sec. 2-459. Office of Director of Finance.

There is hereby created the office of director of finance, an executive office of the Village.

Sec. 2-460. Duties and functions, generally.

The director of finance shall be responsible for the oversight and management of all financial operations of the Village. The director shall be responsible for the supervision and direction of the department of finance and operations under the general direction of the Village Manager. The director shall advise the Village Manager on all financial needs of the Village. (Ord. No. O-45-93 § 1 4-26-93)

Sec. 2-461. Budget.

Before the beginning of each fiscal year, the board shall enact a budget ordinance in which shall be itemized all estimated revenues and recommended expenditures to be met during such fiscal year. (Code 1961, § 8.201)

Sec. 2-462. Tax levy.

A tax levy ordinance shall be enacted, as required by law, levying such taxes as may be needed to meet the anticipated expenses of the coming year, together with such taxes as may be required to meet outstanding bond issues, or for purposes payable from special taxes properly authorized.

A certified copy of the tax levy ordinance shall be filed with the county clerk not later than the fourth Tuesday in December. Such ordinance shall show the total appropriated for each item, and the amount of tax levied therefor. (Code 1961, § 8.202; Ord. No. 0-141-98, § 1, 9-14-98)

PALATINE CODE OF ORDINANCES – CHAPTER 2 - ADMINISTRATION

Sec. 2-463. Indebtedness.

Except as provided in section 2-490, no indebtedness shall be incurred, excepting such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute. Provided that during the first quarter of any fiscal year, before the enactment of the current appropriation ordinance, the Village may operate under the appropriation ordinance of the preceding year. (Code 1961, § 8.203; Ord. No. O-127-79, § 1, 11-13-79)

Sec. 2-464. Contracts.

The Mayor, or any other person designated by the council, may sign on behalf of the Village any contract authorized by the Village Council. No contract may be entered into without the authority of the council or Village Manager (subject to Village Managers spending authority). (Code 1961, § 8.204)

Sec. 2-465. Bills; payroll.

All bills payable by the Village, other than for the payment of salaries established by the Village Council and Village Manager, shall be submitted to the board for approval before payment except those budgeted expenses that are subject to the Village Manager's spending authority. (Code 1961, § 8.205)

Sec. 2-466. Payment by treasurer.

The treasurer shall pay out money in payment of all bills, or for salaries, or for any other purpose other than the retirement of principal or interest on bonds or tax anticipation warrants only upon warrant signed by the Mayor and clerk as provided by statute. Such warrants shall designate the items to be paid and the funds from which they are to be paid. (Code 1961, § 8.206)

Sec. 2-467. Audit.

As soon as practicable at the close of each fiscal year, and no later than six (6) months thereafter, there shall be an audit of all accounts of the Village made by a competent person authorized to act as an auditor under the laws of this state, to be designated by the Village Council. Copies of such audit report shall be filed with the clerk and with the director of the state department of revenue and in such other places as may be required by law. (Code 1961, § 8.207)

Sec. 2-468. Contracts for supplies, work or other public improvements.

Except as otherwise provided herein, any supplies, work or other public improvements which are not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed those limits as set out in section 2-108(9), shall be purchased either:

- (1) By a contract let to the lowest responsible, compliant bidder after advertising for bids, in the manner prescribed in section 2-469, 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 Council Members then holding office; or
- (2) In the following manner, if authorized by a vote of two-thirds (2/3) of all Council Members then holding office, to wit: The Village Manager or other proper person to be designated by him, shall superintend 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 thereon, laborers and artisans whom the Village shall pay by the day or hour; and all material used in the construction of the work or other public improvement shall be purchased by contract in the manner prescribed in section 2-108(9).

However, nothing in this section shall apply to any contract by this Village with the federal government or any agency thereof. (Ord. No. O-89-77, § 1, 8-22-77; Ord. No. O-88-87, § 1, 8-10-87)

Sec. 2-469. Advertisement for bids; deposits.

All proposals to award purchase orders or contracts as designated in section 2-108(9) shall be published at least ten (10) days in advance of the date announced for the receiving of bids, in a newspaper of general circulation within the Village or as otherwise determined by the Village Manager and shall be readily accessible in the office of the Village Manager. Nothing contained in this section shall be construed to prohibit the Village Manager from placing additional announcement in recognized trade journals. In addition, the Village Manager, in his discretion, may seek bids from any reputable firms by written solicitation to such firms. Such written solicitations shall be on an impartial basis and shall be made to such firms as the Village Manager in his sole discretion shall deem appropriate.

Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference to detailed plans and specifications on file at the time of the publication of the first announcement. Such advertisements shall also state the date, time, and place assigned for the opening of bids, and no bids shall be received at any time subsequent to the time indicated in the announcement. However, an extension of time may be granted for the opening of such bids upon publication in a newspaper of general circulation within the Village of the date to which the bid opening has been extended. The time of the bid extension opening shall not be less than five days after the publication thereof, Sundays and legal holidays excluded.

Bid bond, cash, cashier's check, a certified check or a comptroller's certificate of moneys owed the particular vendor, as a deposit of good faith, in a reasonable amount but not in excess of ten (10) per cent of the contract amount may be required of each bidder by the Village Manager on all bids involving amounts in excess of five thousand dollars (\$5,000.00) and, if so required, the advertisements for bids shall so specify.

(Ord. No. O-89-77, § 1, 8-22-77; Ord. No. O-88-87, § 2, 8-10-87)

Sec. 2-470. Awarding of contracts; public inspection.

All bids shall be opened in public at the specified time and place designated in the Legal Notice. Recommendation for award shall be reviewed by the Village Manager and forwarded to the appropriate Standing Committee or directly to the Village Council.

The award of any contract shall be made to the lowest responsible bidder as provided in section 2-468. Every contract shall be signed by the Mayor or his duly designated agent and by the Village Clerk, respectively, of the Village. Each bid, with the name of the bidder, shall be entered on a record which record with the name of the successful bidder indicated thereon, shall, after award of contract, be open to public inspection in the office of the Village Manager.

An official copy of each awarded purchase order or contract together with all necessary attachments thereto, including assignments and written consents, shall be retained by the Village Manager in an appropriate file open to the public for such period of time after termination of the contract during which action against the Village might ensue applicable laws of limitation. After such period such purchase orders, contracts and attachments may be destroyed by direction of the Village Manager. (Ord. No. O-89-77, § 1, 8-22-77, Ord. No. O-28-04, § 1, 2-17-04)

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Sec. 2-471. Indexing of municipal fees.

Village fees, as set out in the Fee Schedule Supplement to the Code of Ordinances, shall be adjusted to reflect the percentage change in the Municipal Cost Index published in the September issue of the American City and County Magazine, with the following exceptions: (Ord.No.0-106-98, §4,5,9-14-98; Ord. No. 0-180-06, §1, 10/16/06)

- (1) Chapter 7, Ambulance Service Fees, which are indexed to the Medicare Rate established by the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS);
- (2) Chapter 8, Garbage and Refuse Fees, and Chapter 19, Water and Sewer Consumption Fees, which are adjusted each year based upon a financial review of the cost of service and contractual obligations.

The Village Manager is hereby authorized to update the fees as in accordance with the above on an annual basis, rounding to the nearest one- dollar. The Village Manager shall cause a schedule of such fees as amended, in accordance with this section, to be prepared, filed with the Mayor and Village Council and made available for public inspection no later than the adoption of the annual operating budget. The new fee schedule shall take effect on the first day of the new budget year; provided, however, that the Mayor and Village Council may modify any fees and cause an amended Fee Schedule Supplement to be published at any time during the year, as they deem necessary. (Ord. No. O-48-82, §1, 5-24-82; Ord. No. O-47-83, □□1, 8-8-83, Ord. No. 0-145-00, §1, 11-13-00; Ord. No. 0-163-12, §1 12-10-12)

Secs. 2-472--2-480. Reserved.

DIVISION 2. ISSUANCE OF BONDS*

***State law reference(s)** --For provisions controlling municipal bonds see 65ILCS5/8-1-1 et seq.

Sec. 2-481. Authority.

(a) The Village, acting by its Mayor and Council, by vote of two-thirds (2/3) of the corporate authorities then holding office, may from time to time borrow money for proper public purposes and in evidence of such borrowing issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied without limitation as to rate or amount against all taxable property situated within the Village, exclusive of any bonds issued after submitting the question of their issuance to the electors of the Village for their approval, in an amount which, when added to the aggregate principal amount of all then outstanding general obligation bonds so issued without referendum, does not exceed an amount equal to three (3) per cent of the most recent equalized assessed valuation of all of the taxable property in the Village. Such bonds may be issued without the submission of the question of their issuance to the electors of the Village for their approval. Bonds issued pursuant to paragraph (d) of this section (and bonds which are listed in that paragraph as issued prior to January 1, 1985) and bonds issued pursuant to paragraph (f) or paragraph (g) of this section are deemed for purposes of this paragraph (a) to have been issued pursuant to the approval of the electors of the Village of the question of the issuance at a referendum. (Ord. 0-125-00  2 10/9/00, 0-86-02  2 5/28/02)

PALATINE CODE OF ORDINANCES – CHAPTER 2 - ADMINISTRATION

(b) In addition, the Village, acting by its Mayor and Village Council, by vote of a majority of the corporate authorities then holding office may from time to time borrow money for proper public purposes and in evidence of such borrowing issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied without limitation as to rate or amount against all taxable property situated within the Village if the question of authorizing such bonds has been submitted to the electors of the Village and approved by a majority of the electors voting on that question. The question of issuing bonds may be submitted by the Mayor and Village Council of the Village at any state or municipal election or at any special election called for that purpose. The submission of any such question and the call of any such special election shall be in the form and in the manner as prescribed by the Mayor and Village Council of the Village. The procedures for the issuance of such bonds shall be substantially as herein provided.

(c) Any bond issue or portion thereof issued pursuant to an advisory referendum held prior to the issuance of such bonds shall be deemed to have been issued pursuant to referendum as provided in this section. In the event a portion of a bond issue is issued pursuant to referendum, that portion corresponding to the amount voted upon shall be deemed issued pursuant to the first two sentences of this section.

(d) In addition, the Village acting by its Mayor and Village Council, by vote of a majority of the corporate authorities then holding office, may from time to time borrow money for the purpose of: (i) providing funds to the Northwest Water Commission or financing improvements to the water system of the Village necessary to accommodate Lake Michigan water, and to pay the costs of borrowing for those purposes, including costs of issuance of bonds, discount and capitalized interest, or (ii) providing funds (either at or prior to maturity or redemption) to pay principal of (at maturity or upon redemption), and redemption premium and interest on the bonds issued pursuant to clause (i) above (or bonds issued pursuant to this clause (ii)) and to pay the costs of issuance and discount of the bonds issued for that purpose. In evidence of such borrowing, the Village may issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied against all taxable property situated within the Village without the submission of the question of the issuance of those bonds to the electors of the Village for their approval. Bonds may be issued pursuant to this paragraph

(f) In addition, the Village, acting by its Mayor and Village Council, by vote of a majority of the corporate authorities then holding office may from time to time borrow money for the purpose of financing or refinancing redevelopment project costs as such term is defined in the Tax Increment Allocation Redevelopment Act, of any redevelopment project undertaken by the Village pursuant to said Act. In evidence of such borrowing, the Village may issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied against all taxable property situated within the Village without the submission of the question of the issuance of those bonds to the electors of the Village for their approval. A finding in a bond ordinance as to the purpose for which bonds are issued shall be conclusive as to compliance with the requirements of this paragraph. This paragraph (f) constitutes full authority for the issuance of bonds for purposes of refunding bonds issued pursuant to this paragraph (f). (Ord. 0-125-00  3 10/9/00)

(g) In addition, the Village, acting by its Mayor and Village Council, by vote of a majority of the corporate authorities then holding office may from time to time borrow money for the purpose of financing or refinancing flood control projects (including the flood control projects described in Village Resolution R-53-02 and such additional flood control projects as may be determined from time to time by the Mayor and Village Council). In evidence of such borrowing, the Village may issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied against all taxable property situated within the Village without the submission of the question of the issuance of those bonds to the electors of the Village for their approval. A finding in a bond ordinance as to the purpose for which bonds are issued shall be conclusive as to compliance with the requirements of this paragraph. This paragraph (g) constitutes full authority for the issuance of bonds for purposes of refunding bonds issued pursuant to this paragraph (g). (Ord. 0-86-02  3 5/28/02)

Sec. 2-482. Bond ordinance.

The Village shall adopt an ordinance, hereinafter designated as the bond ordinance, describing the public purpose or purposes to be accomplished by such borrowing and in such bond ordinance shall make a finding and determination that such borrowing of money is necessary for the welfare of the government and affairs of the Village, is for a proper public purpose or purposes and is in the public interest, which finding and determination shall be deemed conclusive. (Code 1961,   29.102)

Sec. 2-483. Bond details and contract for sale.

The bond ordinance shall indicate the amount of money necessary to be borrowed, the amount of bonds to be issued in evidence thereof, shall fix the details of such bonds, including the date, number, denomination and maturity, which shall not exceed forty (40) years from the date of said bonds, and the rate or rates of interest, which shall not exceed the legal rate then in effect for Illinois municipal corporations under "An Act to Authorize Public Corporations to Issue Bonds, Other Evidences of Indebtedness and Tax Anticipation Warrants Subject to Interest Rate Limitations Set Forth Therein", as from time to time in effect. If the bonds are sold to bear interest at the maximum rate, they shall be sold at a price of not less than par. If the bonds are sold to bear interest at a rate less than the maximum interest rate, they may be sold at a price of less than par, provided the price shall be such that the interest cost to the Village of the money received as proceeds of the sale of said bonds shall not exceed the maximum interest rate per annum, based on the average maturity of all bonds sold as a single issue, computed according to standard tables of bond values.

A contract for the sale of such bonds may be entered into prior to the adoption of the bond ordinance or the bond ordinance may provide for the subsequent sale of the bonds therein authorized. In the event of such subsequent sale and bonds are sold bearing interest at a rate or rates less than that authorized in the bond ordinance, prior to the delivery of such bonds the taxes levied in the bond ordinance shall be abated by that amount representing the savings resulting from the sale of said bonds at a lower rate of interest than authorized in the bond ordinance.

Notwithstanding any other provision of this section, if the Mayor and Village Council shall determine that prevailing market rates of interest for the bonds are greater than the maximum rate provided by the state statute described above, and that it is necessary for the Village to issue the bonds without delay, then the bonds may bear interest at such rate or rates as shall be specified in the bond ordinance, adopted pursuant to the home rule powers of the Village, without regard to the rate authorized by the state statute described above. (Code 1961, § 29.103; Ord. No. O-8-80, § 2, 1-28-80; Ord. No. O-13-82, § 1, 2-8-82; Ord. No. O-84-82, § 2, 9-13-82)

Sec. 2-484. Execution.

The bond ordinance shall direct the execution of the bonds therein authorized on behalf of the Village by the signatures of the Mayor and the clerk, shall require the seal of the Village to be affixed to such bonds, shall determine whether such bonds to be issued shall be registered in the name of the owner as to principal only or whether the same shall be fully registered as to both principal and interest, and shall set forth the form of bonds. The place or places of payment of the maturing principal and interest on said bonds shall be designated by the Mayor and Village Council either in the bond ordinance or in the proceedings confirming the sale of the bonds.

The Mayor may designate a deputy to affix his signature to any full faith and credit bonds of the Village which are required to be signed by the Mayor. In such case, the Mayor shall deliver to the board a written notice of such designation, such notice stating the name of the person so selected and the specific bonds which such person shall have authority to sign as proxy for the Mayor. Said notice shall have attached thereto a written signature of the Mayor executed by the person so designated to sign, together with the personal signature of the deputy authorized to sign on behalf of the Mayor. Each such notice shall be recorded in the official journal of the proceedings of the Mayor and board and then filed with the clerk. When the signature of the Mayor is placed on a full faith and credit bond of the Village at his direction in the specified manner, such signature in all respects shall have the same legal effect as if signed by the Mayor in person. The bond ordinance may provide for the use of a facsimile signature of the Mayor and the Village Clerk to execute bonds authorized to be issued by the bond ordinance. (Code 1961, § 29.104; Ord. No. O-41-82, § 3, 5-10-82; Ord. No. O-9-85, § 3, 2-11-85)

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Sec. 2-485. Tax levy.

The bond ordinance shall make provision for the payment of such bonds, both principal thereof and interest thereon until maturity, by the levy of a direct annual tax upon all the taxable property within the Village sufficient for such purposes. A copy of such bond ordinance, as adopted, certified to by the clerk, shall be filed in the offices of the county clerk of the county or counties within which any part of the Village may be situated. Such bond ordinance, as so filed, shall constitute the authority for the county clerk or county clerks in and for each of the years for which taxes are levied in said bond ordinance, to extend such taxes for collection against all the taxable property situated within the Village. The taxes so levied for the payment of principal of and interest on the bonds shall be extended annually by the several county clerks without limitation as to rate or amount and such taxes shall be in addition to and in excess of all other taxes levied or authorized to be levied by the Village. Except as provided herein, such taxes so levied shall not be subject to repeal or abatement in any manner whatsoever until such time as all the bonds authorized and issued under the terms of said bond ordinance shall have been paid in full, both principal thereof and interest thereon up to and including the date of maturity; provided, however, that if the Village has other funds available, the Mayor and Village Council may appropriate such funds and deposit them in trust with the paying agent for the purpose of the payment of any of the maturities of bonds or interest thereon, in which event the taxes so levied to pay such principal or interest may be abated by the amount so deposited, such abatement to be directed by ordinance of the Village duly adopted and placed on file with the respective county clerks at any time prior to the extension of such taxes for collection. (Code 1961, § 29.105)

Sec. 2-486. This Code not a contract with bondholders.

The terms, provisions and limitations of this Code shall not constitute a contract with any holder of bonds or other evidences of indebtedness of the Village. The terms, provisions and limitations contained in this Code may be amended, modified or revoked by action of the Mayor and Village Council of the Village, at any time before or after the issuance of any bonds or other obligations of the Village pursuant to the provisions hereof, provided that no subsequent action may invalidate or modify the constituent terms of any such outstanding obligations as set forth in the ordinance providing for their issuance. (Ord. No. O-8-80, § 3, 1-28-80)

Sec. 2-487. Bond ordinance as appropriation; publication.

The provisions of any bond ordinance shall constitute an appropriation of the amounts required as therein referred to and described, and upon the delivery of the bonds therein authorized the proceeds thereof shall be used solely and only for the purpose or purposes for which the bonds were authorized.

Upon the adoption of any bond ordinance by the Village, and its approval by the Mayor, the same shall: (1) be printed or published in book or pamphlet form, published by authority of the corporate authorities, or (2) be published in a newspaper published and of general circulation in the Village if there be one and if there is no such newspaper then in a newspaper published and of general circulation in the county in which the Village or the major portion thereof is situated, and said ordinance shall become effective ten (10) days after the date of either such publication. (Code 1961, § 29.106; Ord. No. O-9-85, § 4, 2-11-85)

Sec. 2-488. Refunding bonds.

Any bonds authorized and issued pursuant to the provisions of any bond ordinance adopted pursuant to the provisions hereof, and also any bonds heretofore issued and outstanding, which by their terms are payable from taxes unlimited as to rate or amount and levied against all the taxable property within the Village, may be refunded prior to their maturity or at their maturity, and including the refunding of matured interest coupons evidencing interest upon such unpaid bonds. The issuance of refunding bonds shall be authorized by a refunding bond ordinance, which shall be adopted in the manner and subject to the terms, conditions and provisions as herein required for the issuance of bonds for public purposes. (Code 1961, § 29.107; Ord. No. O-185-89, § 1, 12-11-89)

Sec. 2-489. Constitutional home rule power.

Pursuant to the authority granted by Section 6 of Article VII of the Constitution of Illinois 1970, the procedures hereinabove set forth for the issuance of full faith and credit bonds, general obligation, shall be controlling and shall be complied with by the Village in the borrowing of money through the issuance of general obligation bonds of the Village, notwithstanding any provisions to the contrary contained in the Illinois Municipal Code and all acts amendatory thereof and supplementary thereto and in any other law or laws of the state. (Code 1961, § 29.108)

Sec. 2-490. Loans.

The Village, acting by its Mayor and Village Council by vote of two-thirds of the corporate authorities then holding office, may borrow money for proper public purposes from state or federally chartered banks or savings and loan associations, repayable over not to exceed five (5) years, at such rates of interest and on such other terms and conditions as the Mayor and Village Council in their sole judgment deem to be in the best interests of the Village. (Ord. No. O-127-79, § 2, 11-13-79)

Sec. 2-491. Issuance of industrial revenue bonds.

(a) *Legislative declaration of purpose.* It is hereby determined and declared to be the purpose of this section to provide a financing device which will aid in financing the cost of projects in order to relieve conditions of unemployment and to encourage the increase of industry and business within the Village thereby reducing the evils attendant upon unemployment, and to provide for the increased welfare and prosperity of the residents of the Village; it is hereby further determined and declared to be the purpose of this section to provide a financing device which will aid in financing the cost of pollution control facilities in order to eliminate, abate or reduce the serious dangers to the public health and welfare caused by environmental pollutions; it is hereby further determined and declared to be the purpose of this section to provide a financing device which will aid in financing the cost of new and rehabilitated residential rental housing in order to provide decent, safe and sanitary housing; and the same are hereby declared and determined to be public purposes and functions declared pertaining to the government and affairs of the Village.

(b) *Definitions.* Whenever in this section unless a different meaning clearly appears from the context:

- (1) "Economic development project" means any land, interest in land, building, structure, facility, system, fixture, improvement, addition, appurtenance, machinery or equipment or any combination thereof, and all real and personal property deemed necessary in connection therewith, for use by any person, provided that the existence of such economic development project will create or retain employment opportunities in the Village or provide decent, safe and sanitary residential rental housing.
- (2) "Lease" includes a lease containing an option to purchase the project for a nominal sum upon payment in full, or provision therefor, of all bonds issued in connection with the project and all interest thereon and all other expenses in connection with the project.
- (3) "Loan agreement" means an agreement providing for the Village to loan the proceeds derived from the issuance of bonds pursuant to this section to one or more persons to be used to pay or finance the cost of one or more projects and providing for the repayment of such loan by the other persons, and which may provide for such loans to be secured or evidenced by one or more notes, debentures, bonds or other secured or unsecured debt obligations of the persons, delivered to the Village or to the trustee under the indenture pursuant to which the bonds were issued.
- (4) "Person" means any individual, partnership, co-partnership, firm, company, corporation (including public utilities), association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity, or its legal representatives, agent or assigns.

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- (5) "Pollution" means any form of environmental pollution including but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination or noise pollution as determined by the various standards prescribed by this state, the federal government or other governmental entities and including but not limited to, anything which is considered as pollution or environmental damage in the Environmental Protection Act, compiled as 415ILCS5/1 through 5/51, and any amendment thereto and substitution therefor.
- (6) "Pollution control facility" means any land, interest in land, building, structure, facility system, fixture, improvement, appurtenance, addition, machinery or equipment, or any combination thereof, and all real and personal property deemed necessary in connection therewith, having to do with or the end purpose of which is, reducing, controlling or preventing pollution.
- (7) "Project" means any economic development project or pollution control facility or any combination thereof.
- (8) "Project cost" means and includes the sum total of all reasonable or necessary costs incidental to the acquisition, construction, reconstruction, repair, alteration, improvement and extension of a project including without limitation the cost of studies and surveys; plans, specifications, architectural and engineering services; legal, marketing or other special services; financing, acquisition, demolition, construction, equipment and site development of new and rehabilitated buildings, rehabilitation, reconstruction, repair or remodeling of existing buildings and all other necessary and incidental expenses including an initial bond and interest reserve together with interest on bonds issued to finance a project to a date six (6) months subsequent to the estimated date of completion.
- (9) "Revenues" of a project, or derived from a project, include payments under a lease or sale contract and repayments under a loan agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of a person delivered as herein provided.
- (10) "Sale contract" means a contract providing for the sale of one or more projects to one or more persons and includes a contract providing for payment of the purchase price in one or more installments. If the sale contract permits title to the project to pass to the other person prior to payment in full of the entire purchase price, it shall also provide for the other person to deliver to the municipality or to the trustee under the indenture pursuant to which the bonds were issued one or more notes, debentures, bonds or other secured or unsecured debt obligations of such person providing for timely payments, including, without limitation, interest thereon for the balance of the purchase price at or prior to the passage of such title.

(c) *Additional powers of Village.* In addition to powers which it may now have, the Village shall have the power under this section:

- (1) To finance one or more projects, whether or not now or hereafter in existence, within or without the Village or partially within or partially without the Village, but in no event further than ten (10) miles from the territorial boundaries of such Village.
- (2) To acquire, construct, improve, extend, rehabilitate, renovate, and equip one or more projects including any property, real or personal, improved or unimproved, necessary in connection therewith.
- (3) To issue its revenue bonds to defray in whole or in part the project costs of any project and to designate an appropriate name for such bonds.
- (4) To rent, lease or sell any project to any person pursuant to a lease agreement or sale contract or to enter into a loan agreement with any person with respect to any project in such manner that payments to be received with respect to the project shall produce revenues and receipts sufficient to provide for the prompt payment at maturity or principal, interest and redemption premiums, if any, upon all bonds issued to finance the cost of such project.

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- (5) To pledge to the punctual payment of bonds authorized under this article, the interest thereon, and the redemption premiums, and if any, the revenues to be received from such project.
- (6) To mortgage such project in favor of the holder or holders of bonds issued therefor.
- (7) To sell and convey such project, including without limitations the sale and conveyance thereof subject to a mortgage, if any, as provided in this section, for such price and at such time as the governing body of the Village may determine. However, no sale or conveyance of such project shall ever be made in such manner as to impair the rights or interests of the holder or holders of any bonds issued to finance the project costs of such project.
- (8) To issue its bonds to refund in whole or in part, bonds theretofore, issued by such Village under authority of this section.

Any property which is acquired by the Village pursuant to the provisions of this section shall be exempt from the imposition and collection of taxes thereon while owned by the Village but the use of such property is subject to taxation to be paid by the lessee or occupant as provided in Section 26 of the "Revenue Act of 1939" filed May 17, 1939, or as may hereafter be amended.

(d) *Exercise of powers; bonds generally.* The exercise of all powers granted by this section may be authorized and bonds may be authorized to be issued under this section for the purposes set forth in this section by ordinance of the Mayor and Village Council which may be adopted at the same meeting at which it is introduced and shall take effect immediately upon adoption.

The bonds shall bear interest at such rate or rates, payable at such times, may be in one or more series, may bear such date or dates, may mature at such time or times, may be payable in such medium of payment at such place or places, may carry such registration privileges, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, including coupon and registered, as such ordinance may provide or as may be subsequently determined by the governing body before the bonds are issued. The bonds may be sold at public or private sale in such manner and upon such terms as may be deemed advisable by the governing body of the Village. Pending the preparation of the definitive bonds, interim receipts of certificates in such form and with such provisions as the Mayor and Village Council of the Village may determine, may be issued to the purchaser or purchasers of bonds sold pursuant to this section. The bonds and interim receipts or certificates shall be deemed to be securities and negotiable instruments within the meaning and for all purposes of the "Uniform Commercial Code."

(e) *Covenants in bonds; mortgage or indenture of trust.* Any ordinance authorizing the issuance of bonds under this section may contain covenants as to:

- (1) The use and disposition of the revenues from the project for which the bonds are to be issued, including the creation and maintenance of reserves;
- (2) The issuance of other or additional bonds relating to the project or any rehabilitation, improvements, renovations, enlargements or additions thereto;
- (3) The maintenance and repair of such project;
- (4) The insurance to be carried thereon and the use and disposition of insurance monies;
- (5) The appointment of any bank or trust company within or outside the State of Illinois, having the necessary trust powers as trustee for the benefit of the bondholders, paying agent, and bond registrar;
- (6) The investment of any funds held by such trustee; and
- (7) The terms and conditions upon which the holders of the bonds or any portion thereof or any trustees therefor, are entitled to the appointment of a receiver.

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Any ordinance authorizing the issuance of bonds under this section may provide that the principal of and interest on any bonds issued under this section shall be secured by a mortgage or indenture of trust covering such project for which the bonds are issued and may include any improvements or extensions thereafter made. Such mortgage or indenture of trust may contain such covenants and agreements to properly safeguard the bonds as may be provided for in the ordinance authorizing such bonds and shall be executed in the manner as may be provided for in the ordinance. The provisions of this section and any such ordinance or ordinances and any such mortgage or indenture of trust shall constitute a contract with the holder or holders of the bonds and continue in effect until the principal of, interest on, and the redemption premiums, if any on the bonds so issued have been fully paid and the duties of the Village and its corporate authorities and officers under this article and any such ordinance or ordinances and any such mortgage or indenture of trust shall be enforceable by any bondholder by mandamus, foreclosure of any such mortgage or indenture of trust or other appropriate suit, action or proceedings in any court of competent jurisdiction; provided the ordinance or any mortgage or indenture of trust under which the bonds are issued may provide that all such remedies and rights to enforcement may be vested in a trustee for the benefit of all the bondholders which trustee shall be subject to the control of a majority of the holders or owners of any outstanding bonds.

(f) *Signatures of officers on bonds; validity of bonds.* The bonds shall bear the manual or facsimile signatures of such officers of the Village as may be designated in the ordinance authorizing such bonds, and such signatures shall be the valid and binding signatures of the officers of the Village, notwithstanding that before the delivery thereof and payments thereof any or all of the persons whose signatures appear thereon have ceased to be officers of the Village issuing such bonds. The validity of the bonds is not dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, equipping, betterment or extension of the project for which the bonds are issued. The ordinance authorizing the bonds may provide that the bonds shall contain a recital that they are issued pursuant to this section, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

(g) *Revenue bonds.* All bonds issued under this section have a lien upon the revenues derived from the project for which the bonds have been issued, and the governing body may provide in the ordinance or ordinances authorizing such bonds for the issuance of additional bonds to be equally and ratably secured by a lien upon such revenues or may provide that the lien upon such revenues is subordinate.

(h) *Liability of bonds.* All bonds issued under and pursuant to this section shall be limited obligations of the Village payable solely out of the revenues derived from the project with respect to which such bonds are issued. No holder of any bonds issued under this section has the right to compel any exercise of taxing powers of the Village to pay the bonds, the interest or premium, if any, thereon, and the bonds do not constitute an indebtedness of the Village or a loan of credit thereof within the meaning of any constitutional or statutory provision. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this section and that it does not constitute an indebtedness of the Village or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

(i) *Investment of funds.* The Village, or any duly appointed agent on behalf of the Village, may invest any funds held by it pursuant to this section in bonds, notes, certificates of indebtedness, treasury bills or other securities issued or fully guaranteed by the United States of America; in certificates of deposit or time deposits constituting direct obligations of any bank as defined by the Illinois Banking Act, as heretofore and hereafter amended or in such other securities (including without limitation repurchase agreements and investment contracts with banks or other financial institutions) as the governing body may provide in the ordinance or ordinances authorizing such bonds. Any such securities may be purchased at the offering or market price thereof at the time of such purchase.

(j) *Exemption from construction and bidding requirements for public buildings.* The acquisition and construction of a project shall not be subject to any requirements relating to public buildings, structures, grounds, works or improvements imposed by the Illinois Revised Statutes or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the Village is not applicable to any action taken under authority of this section.

(k) *Powers conferred deemed additional and supplemental; effect of limitations imposed.* The powers conferred by this section are in addition and supplemental to, and the limitations imposed by this section shall not affect, the powers conferred by any law or any other ordinance. Projects may be acquired,

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purchased, constructed, reconstructed, improved, bettered, equipped, extended and financed, and bonds may be issued under this section for such purposes, notwithstanding that any law or any other ordinance may provide for the acquisition, purchase, construction, reconstruction, improvement, equipping, betterment, extension and financing of a like project, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any law or any other ordinance.

(l) *Applications.*

- (1) Applications for industrial revenue bonds shall be filed with the Village Manager, on application forms issued by the Village.
- (2) The filing fee for industrial revenue bond applications shall be five thousand dollars (\$5,000.00), payable to the Village of Palatine concurrently with the filing of the application. Said fees shall be nonrefundable.

In addition, applicant shall pay to the Village all legal fees and other costs incurred incident to the review of industrial bond applications.

If the industrial revenue bond application is approved and such bonds issued, applicant shall pay the Village an administrative fee of one per cent of the total amount of the authorized bond issue, together with any and all legal fees, bond consultant fees, printing fees, and all other fees and costs which may be incurred incident to issuance of such bonds.

Ten (10) per cent of the administrative fee shall be due and payable to the Village within ten(10) days following adoption by the Village of the inducement resolution approving the issuance of such bonds, and in the event such payment is not made within said ten-day period, the commitment by the Village to issue said bonds or reserve such bonds for subsequent issuance under its state and federal allocation shall lapse and be of no further force or effect, and the applicant shall forfeit its priority position with respect to the issuance of industrial revenue bonds by the Village.

(3)

The Mayor and Village Council shall determine whether the application shall be approved and the bonds issued. The determination of the Mayor and Village Council in all cases shall be final.

(Ord. No. 105-81, § 1, 12-14-81; Ord. No. O-35-84, § 1, 6-11-84; Ord. No. O-25-85, § 2, 4-8-85)

Secs. 2-492--2-500. Reserved.

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ARTICLE XXVII. PALATINE EMERGENCY MANAGEMENT AGENCY (PEMA)*

***Editor's Note** - Ord. No. O-120-17 enacted Dec. 4, 2017, repealed former Art. XXVII PEMA, Sec. 2-501—2-514 and enacted a new Art. XXVII, Sec. 2-501—2-518 Palatine Emergency Management Agency (PEMA)

***Editor's Note**--Ord. No. O-95.77,   1, enacted Sept. 12, 1977, repealed former Art. XXVII,   2-501--2-513, pertaining to a local civil defense organization, and enacted in lieu thereof a new Art. XXVII,   2-501--2-513, as herein set out. Former Art XXVII was derived from Code 1961,   7.901--7.913, and Ord. No. O-10-75,   1, adopted Jan. 27, 1975. Ord. No. 0-172-96 repealed the former Emergency Services and Disaster Agency (ESDA) and replaces it with Palatine Emergency Management Agency (PEMA) Ordinance.

Cross reference(s) --State of emergency,   12-151 et seq.

State law reference(s) --Illinois Civil Defense Act of 1951, 20ILCS3305 et seq.; for provisions relating to local organization, etc., see 20ILCS3305/13.

Sec. 2-501. Establishment.

There is hereby created the Village of Palatine Emergency Management Agency, hereinafter designated as Village EMA, established to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile actions or from natural or man-made disaster, in accordance with "The Illinois Emergency Management Agency Act", as amended. The Village EMA shall consist of the Village Manager, who shall serve as "EMA Director", and the "Coordinator", as designated by the EMA Director. The Coordinator shall be under the authority, command, and control of the EMA Director.

Sec. 2-502. Coordinator.

Duties: Under the supervision of the Mayor, the EMA Director shall have the responsibility for the management of the Emergency Management Agency, to include the Coordinator and support staff.

Sec. 2-503. Vacancy in office.

In the event of the absence, resignation, death, or inability to serve as the EMA Director, the Mayor or individual designated by the Mayor, shall be and act as EMA Director until a new appointment is made as provided in this Chapter.

Sec. 2-504. Coordinator.

Duties: Under the supervision of the EMA Director, the Coordinator shall have direct responsibility for the planning, coordination, and operation of the emergency management activity in the Village. The Coordinator shall maintain liaison with the State and Federal authorities and the authorities of other nearby political subdivisions to ensure the most effective operation of the Emergency Operations Plan (EOP). The Coordinator's duties shall include, but not be limited to, the following:

- A. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Village for emergency management purposes.
- B. Development and coordination of plans for the immediate use of all Village facilities, equipment, manpower and other resources for the purposes of minimizing or preventing damage to persons and property and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- C. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency management purposes, and designating suitable buildings as public shelters.

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- D. Conducting public practice alerts to ensure the efficient operation of emergency management regulations, procedures, and operations.
- E. Coordinating the activity of all other public and private agencies engaged in any emergency management activity.
- F. Assuming such authority and conducting such activity as the EMA Director may direct to promote and execute the Emergency Operations Plan.
- G. Vacancy in Office: In the event of the absence, resignation, death, or inability to serve as the Coordinator, the EMA Director or any person designated by the Mayor, shall be and act as Coordinator until a new appointment is made as provided in this Chapter.

Sec. 2-505. Membership with the Joint Emergency Management System.

The Village of Palatine is a member of the Joint Emergency Management System (JEMS), a regional agreement between neighboring municipalities for emergency management support. The Joint Emergency Management System is overseen by a board which is composed of the Chief Administrative Officer, or their designee, from each of the member communities. The board is led by a Chairman and Vice-Chairman, who are elected by the board members. As a member of JEMS, the Village of Palatine coordinates their emergency management program activities with the JEMS Coordinator in order to establish regional standardization.

Sec. 2-506. Joint Emergency Management System (JEMS) Coordinator.

Duties: In cooperation with the EMA Director, the JEMS Coordinator will have the responsibility for planning, training and exercise coordinator of the emergency management activity in the Village. The JEMS Coordinator's duties shall include, but not be limited to, the following:

- A. Maintain, coordinate, and recommend for adoption or amendment, an EOP.
- B. Be on-call 24-hours a day.
- C. Monitor news and severe weather.
- D. Maintain, update and monitor the subscriber community Continuity of Operations Plan (COOP).
- E. Serve as the liaison for Subscribers to state emergency management agencies and emergency service and disaster agencies.
- F. Act as the NIMS Compliance Officer under the National Incident Management System.
- G. Ensure that the Subscribers' Emergency Operations Centers (EOC's) are maintained and ready.
- H. Provide training on the use of EOC equipment and readiness including regional disaster exercises to measure the subscriber's preparedness to respond to emergencies and to develop action plans to address any deficiencies identified during such exercises.
- I. Oversee the maintenance and evaluation of the emergency warning systems including the outdoor warning sirens or additional warning systems in place in each subscriber community.
- J. Assist in the preparation and distribution of Incident Action Plans (IAP) for planned special events.

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Sec. 2-507. Functions.

The Village of Palatine EMA shall perform such EMA functions within the Village as shall be prescribed in and by the State of Illinois EMA plan and program prepared by the Governor, and, in addition, shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in "The Illinois Emergency Management Agency Act", as amended.

Sec. 2-508. Service as mobile support team.

All or any member of the Village of Palatine EMA organization may be designated as a member of a mobile support team created by the Director of the State of Illinois Emergency Management Agency, as provided by law. The leader of the mobile support team shall be designated by the EMA Director. Any member of a mobile support team who is a Village employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State of Illinois, reasonable compensation as provided by law.

Sec. 2-509. Agreement with other political subdivisions.

The EMA Director may negotiate mutual aid agreements with other cities or political subdivisions of the State of Illinois, but no such agreement shall be effective until it has been approved by the Mayor and Village Council.

Sec. 2-510. Emergency action.

If the Governor proclaims that a disaster or state of emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the Village of Palatine EMA to cooperate fully with the State of Illinois EMA and with the Governor in the exercise of emergency powers as provided by law.

Sec. 2-511. Emergency powers and duties.

- A. The Mayor may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in the Village Code of Ordinances. The judgment of the Mayor shall be the sole criteria necessary to invoke emergency powers provided by ordinance and other appropriate authorities. The Village Council may convene to perform its legislative and administrative powers as the situation demands and shall receive reports relative to emergency management activities. Nothing in this Chapter shall be construed as abridging or curtailing the powers or restrictions of the Village Council.
- B. During any period when disaster threatens or when the Village has been struck by disaster, within the definition of this Chapter, the Mayor or the EMA Director may promulgate such regulations as deemed necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:
 1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management personnel or to facilitate the mass movement of persons from critical areas within or without the Village.
 2. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
 3. Such other regulations necessary to preserve public peace, health and safety.
 4. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and expressed by newspaper, radio, televised media and social media.

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- C. Emergency Locations; Governmental Powers: Whenever, due to an emergency resulting from the effects of natural or manmade disaster or hostile act or the anticipated effects thereof, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places, the Village Council may meet at any place within or without the Village limits on the call of the presiding officer or any two members of such governing body and shall proceed to establish and designate by ordinance, resolution, or other manner alternate or substitute sites or places as the emergency temporary location or locations of government where all, or any part of, the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of the Village.
- D. During the period when the public business is being conducted at the emergency temporary location or locations, the governing body and other officers of the Village shall have and possess and shall exercise, at such location or locations, all of the executive, legislative, and judicial powers and functions conferred upon such body and officers by or under the laws of this State. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be valid and binding as if performed within the territorial limits of their Village.
- E. Continuity in office: In the event that the Mayor is unavailable, the powers of the office shall be exercised and duties shall be discharged by the designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the constitution or statutes; or until the officer, or their deputy or a preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of the office. Based on the authority of 5 ILCS 275/3 the line of succession for the executive branch of government will be: Mayor, most Senior Council Member, and second most Senior Council Member.

In the event that, at the time or as a consequence of any disaster or occurrence described in this Chapter, the Mayor and their three successors on file with the Village shall be absent, killed, or rendered incapable of performing the duties of such office, such office shall be filled until such time as a successor can be selected in the manner prescribed by law, in the following line of succession: the remaining members of the Village Council based on tenure, the Village Manager, the Director of Finance, the Chief of Police, the Fire Chief, the Public Works Director. In the event that, at the time or as a consequence of any disaster or occurrence described in this Chapter, the incumbent of any Municipal office or position shall be absent, killed, or rendered incapable of performing the duties of such office or position, such office or position shall be filled, until such time as a successor can be selected in the manner prescribed by law, by appointment by the Mayor. The Mayor shall give due consideration to the list of three successors on file with the Village but is not required to select from said list.

Sec. 2-512. Emergency management agency and emergency plans.

- A. A comprehensive EOP shall be adopted and maintained by resolution of the Corporate Authorities upon the recommendations of the Mayor. In the preparation of the Plan as it pertains to the Village organization, it is the intent that the services, equipment, facilities and approved, it shall be the duty of the EMA Director, all departments, and all employees to perform personnel of all existing departments and agencies shall be utilized to the fullest extent. When the functions assigned by the Plan and to maintain their portion of the Plan in a current state of readiness at all times. The EOP shall be considered supplementary to this Chapter and have the effect of law whenever a disaster has been proclaimed.
- B. Each department head assigned responsibility in the EOP shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned Village employees and volunteers.

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- C. The Mayor shall prescribe in a Continuity of Operations and Continuity of Government Plan those positions within the disaster organization, in addition to their own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Village a current list of three persons as successors to the position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.
- D. When a required competency or skill for a disaster function is not available within the Village government, the Mayor is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after a disaster. The Village may accept such services from persons outside of government on a volunteer basis. Such persons shall be enrolled as emergency management volunteers in cooperation with the heads of departments affected.
- E. Some of the duties ascribed to the Mayor in this Section will ordinarily be handled as a matter of routine by the EMA Director or Coordinator, but the responsibility and authority stem from and remain with the Mayor.

Sec. 2-513. Compensation.

Members of the Village EMA who are paid employees or officers of the Village, if called for training by the State of Illinois Director of EMA, shall receive for the time spent in such training, the same rate of pay as is attached to the position held; members who are not such Village employees or officers shall receive for such training time, such compensation as may be established by the Mayor and Village Council.

Sec. 2-514. Reimbursement by state.

The Treasurer may receive and allocate to the appropriate fund any reimbursement by the State of Illinois to the Village for expenses incident to training members of the EMA as prescribed by the State EMA Director, compensation for services and expenses of members of a mobile support team while serving outside the Village in response to a call by the Governor or State Director of EMA, as provided by law, and any other reimbursement made by the State incident to EMA activities as provided by law.

Sec. 2-515. Purchases and expenditures.

The Village Council, may, on recommendation of the EMA Director, authorize any purchase or contracts necessary to place the Village in a position to combat effectively any enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disasters and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster.

In the event of enemy caused or other disaster, the EMA Director is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the emergency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by "The Illinois Emergency Management Agency Act", as amended; provided, that if the Mayor is available at such time, the Village Coordinator shall act subject to the direction and restrictions imposed by the Mayor.

Sec. 2-516. Oath.

Every person appointed to serve in any capacity in the EMA organization shall, before entering upon his or her duties, subscribe to the following oath:

"I (state your name) of the Emergency Management Agency of the Village of Palatine do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter, and I do further swear (or affirm) that I do not advocate, nor am I nor have I been a

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member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am affiliated with the Village of Palatine EMA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Sec. 2-517. Office.

The Village Manager is authorized to designate space in any Village building or elsewhere, as may be provided for by the Village Corporate Authorities for the Village of Palatine EMA organization as its office.

Sec. 2-518. Local disaster emergencies.

See Chapter 12, Article IX of the Village Code of Ordinances regarding Declaration of Emergencies.

Secs. 2-519--2-614. Reserved.

ARTICLE XXIX. DEPARTMENT OF INFORMATION TECHNOLOGY

Sec. 2-620. Department created; composition.

There is hereby created a department of information technology. (Ord. No. O-57-92,   1, 4-27-93)

Sec. 2-621. Office of director of information technology.

There is hereby created the office of director of information technology, an executive office of the Village. (Ord. No. O-57-92,   1, 4-27-93)

Sec. 2-622. Duties and functions generally.

The director of information technology shall be responsible for the oversight and management of all information technology and information systems operations of the Village. The director shall be responsible for the supervision and direction of the department of information technology under the general direction of the Village Manager. The director shall advise the Village Manager on all information management needs of the Village and shall coordinate all purchases of equipment, systems and maintenance of operations. The director shall coordinate the information management program of the Village and such other quality assurance related and management programs as assigned by the Village Manager. (Ord. No. O-57-92,   1, 4-27-93)

ARTICLE XXX - ADMINISTRATIVE HEARING DIVISION

[Editor's Note: Ordinance 0-132-03 enacted October 20, 2003, added a new Article XXX]

[Editor's Note: Ordinance 0-109-05 enacted June 6, 2005, amended Article XXX]

Sec. 2-700. Preamble

Pursuant to its powers as a home rule municipality and pursuant to the express grant of authority as set forth in Division 2.1 of Article I of the Illinois Municipal Code (65 ILCS 5/1-2.1-1 et seq.), the Village is authorized to provide by ordinance for a system of administrative adjudication of certain Village code violations.

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The corporate authorities of the Village of Palatine have determined that it is in the best interests of the Village of Palatine that a system of administrative adjudication of Village code violations be created, as a non-exclusive method of enforcing the various provisions of the Village Code of Ordinances.

Sec. 2-701. Recitals

The foregoing recitals are adopted as express findings of the corporate authorities of the Village of Palatine and are incorporated herein by specific reference.

Sec. 2-702. Purpose

The stated purpose of this Ordinance is to provide for fair and efficient enforcement of the Village Code of Ordinances as may be allowed by law and directed by ordinance, through an administrative adjudication of violations of such Village Code of Ordinances and by establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties.

Sec. 2-703. Creation of Administrative Hearing Division; Jurisdiction.

There is hereby created within the Village of Palatine a Administrative Hearing Division, which is authorized to provide for and operate a “system of administrative adjudication,” which shall be defined as the adjudication of a violation of any of the following Chapters of the Village of Palatine Code of Ordinances:

- (1) Chapter 4, Ambulance and Mobile Intensive Care Units
- (2) Chapter 5, Animals
- (3) Chapter 6, Building Codes and Building Regulations, as it may be amended from time to time, including the following Codes which have been adopted by reference:
 - (a) International Residential Code/2000 Edition (with amendments).
 - (1) Swimming pools, Spas and hot tubs, Appendix G
 - (2) Patio covers, Appendix H
 - (2) Existing buildings and structures, Appendix J
 - (b) International Building Code, 2000 Edition (with amendments).
 - (c) International Mechanical Code, 2000 Edition (with amendments).
 - (d) International Fuel Gas Code, 2000 Edition.
 - (e) International Energy Conservation Code, 2000 Edition (with amendments).
- (f) International Code Council Electrical Code – Administrative Provisions, 2000 Edition (with amendments).
- (g) National Electrical Code, 1999 Edition (with amendments).
- (h) Illinois Plumbing Code, 1998 (with amendments).
- (i) Illinois Accessibility Code, 1997 Edition

- (4) Chapter 7, Fire Prevention and Protection, as it may be amended from time to time, including the following Code which has been adopted by reference:
 - (a) Life Safety Code, NFPA 101, Edition (with amendments)
 - (b) International Fire Code, 2000 Edition (with amendments)
 - (c) Building Officials and Code Administrators National Fire Prevention Code;
- (5) Chapter 8, Garbage and Refuse, as it may be amended from time to time.

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- (6) Chapter 9, Health and Sanitation, as it may be amended from time to time.
- (7) Chapter 10, Existing Structures' Maintenance and Occupancy, as it may be amended from time to time, including the following Codes which have been adopted by reference:
 - (a) Building Officials and Code Administrators Building Code
 - (b) Property Maintenance Code
 - (c) International Mechanical Code
 - (d) International Plumbing Code
 - (e) National Electrical Code
- (8) Chapter 11, Licenses, Permits and Business Regulations, as it may be amended from time to time, including the following Codes which have been adopted by reference:
 - (a) State of Illinois, Department of Health, Food Service Sanitation Rules and Regulations of 1975
 - (b) State of Illinois, Department of Public Health, Division of Food and Drugs, Rules of Regulations Pertaining of the Sanitation of Retail Food Stores of January 1983
- (9) Chapter 12, Offenses and Miscellaneous Provisions, as it may be amended from time to time.
- (10) Chapter 15, Emergency Energy Plan, as it may be amended from time to time.
- (11) Chapter 16, Construction and Maintenance of Facilities in the Public Rights-of-Way, as it may be amended from time to time.
- (12) Chapter 17, Taxes, as it may be amended from time to time.
- (13) Chapter 18, Traffic, as it may be amended from time to time, including the following Codes which have been adopted by reference:
 - (a) Illinois Vehicle Code, 625IL5/1-100 through 5/20-402
- (14) Chapter 19, Water and Sewer Services, as it may be amended from time to time.
- (15) Appendix A, Zoning, as it may be amended from time to time.
- (16) Appendix B, Subdivisions, as it may be amended from time to time.

Sec. 2-704. Hearing Procedures Non-Exclusive.

The provisions of this Ordinance shall not preclude the Village from using other methods or proceedings to enforce the ordinances of the Village of Palatine, including, but not limited to, the institution of any action in the Circuit Court of Cook County, Illinois or any administrative proceeding.

Sec. 2-705. Administrative Hearing Division.

The Administrative Hearing Division shall be composed of an Administrative Hearing Officer (Administrative Law Judge), an Administrative Hearing Director (or Village Manager), the Chief of Police or his designee, Hearing Room personnel, and any other duly appointed person or persons deemed necessary for the efficient administration of the Administrative Hearing Division, with the following powers, duties and authority:

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(a) All adjudicatory hearings shall be presided over by an Administrative Hearing Officer who shall be appointed by the Village Mayor with the consent of the Village Council.

Prior to conducting administrative adjudication hearings, the Administrative Hearing Officers must be an attorney licensed to practice law in the State of Illinois for at least three (3) years and shall have successfully completed a formal training program, which includes the following:

- (1) instruction on the rules of procedure of the administrative hearings which they will conduct;
- (2) orientation to each subject area of the code violations that they will adjudicate;
- (3) observation of administrative hearings; and
- (4) participation in hypothetical cases, including ruling on evidence and issuing final orders.

(b) Administrative Hearing Officers are hereby authorized, empowered and directed to:

- (1) hold conferences for the settlement or simplification of the issues;
- (2) administer oaths and affirmations to witnesses;
- (3) hear testimony and accept evidence that is relevant to the existence of an ordinance violation;
- (4) rule upon motions, objections, and the admissibility of evidence;
- (5) issue subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives or upon the initiative of the Administrative Hearing Officer
- (6) preserve and authenticate the record of the hearing, including all exhibits and evidence introduced at the hearing;
- (7) issue a determination, based on the evidence presented at the hearing, of whether a code violation occurred or exists. The Administrative Hearing Officer's determination shall be in writing and shall include a written finding of fact, decision, and order including the fine, penalty, or other action with which the respondent must comply;
- (8) impose penalties consistent with applicable Village of Palatine Code provisions and assess costs upon finding a party liable for the charged violation, except, however, that in no event shall the Administrative Hearing Officer have authority to (i) impose a penalty of incarceration, or (ii) impose a fine in excess of \$50,000. The maximum monetary fine under this item (8) shall be exclusive of costs of enforcement or costs incurred by the Village to secure compliance with the Village's ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the Village.
- (9) ordering, regardless of fines imposed or costs assessed, the respondent to perform a term of community service;
- (10) imposing, in addition to fines imposed and penalties or costs assessed, administrative and/or enforcement costs;
- (11) ordering the respondent to comply with the code provision(s) found to have been violated;
- (12) waive any court costs and fine upon a finding of compliance for a violation where that violation required the respondent to take corrective action to comply with the Code of Ordinance;
- (13) waive any court costs and fine for one or more code violations upon a finding that the violation(s) occurred under such circumstances as to a reasonable person would constitute an excuse for the violation(s); and

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(14) grant equitable relief as otherwise authorized by law or local ordinance.

(c) The Administrative Hearing Director shall either be an employee of the Village of Palatine appointed by the Manager, the Village Manager, or an independent contractor or agency contracted by the Village to perform such duties as enumerated herein. The Administrative Hearing Director is hereby authorized, empowered and directed to:

- (1) operate and manage the system of administrative adjudication of vehicular standing and/or parking regulation violations, vehicle compliance violations, vehicle license or sticker requirement violations, building, fire and health code violations, and all other Village ordinance violations as may be permitted by law and directed by ordinance;
- (2) adopt, distribute and process all notices as may be required under this Ordinance or as may reasonably be required to carry out the purpose of this ordinance;
- (3) collect moneys paid as fines and/or penalties assessed after a final determination of liability;
- (4) certify copies of final determinations of vehicular standing and/or parking regulation violation liability, vehicle compliance violations, vehicle license or sticker requirement violations, building, fire and health code violations or any other ordinance violation adjudicated pursuant to this Ordinance, and any factual reports verifying the final determination of any violation liability which were issued in accordance with this Ordinance or the laws of the State of Illinois, including 625 ILCS 5/11-208.3, as from time to time amended;
- (5) certify reports to the Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Article and those of 625 ILCS 5/6-306.5;
- (6) promulgate rules and regulations reasonably required to operate and maintain the system of administrative adjudication hereby established; and
- (7) collect unpaid fines and penalties through private collection agencies that may be retained by the Village or by filing complaints in the County Circuit Court, or by selecting or appointing an individual or agency to act on behalf of the Village in filing complaints, seeking judgments for unpaid fines or penalties and pursuing all post-judgment remedies available under current law.

(d) The Administrative Hearing Director is hereby further authorized, empowered and directed to operate and maintain the computer programs for the system of administrative adjudication hereby established, on a day-to-day basis, including, but not limited to:

- (1) inputting of violation notice information;
- (2) establishing hearing dates and notice dates;
- (3) recording fine and penalty assessment and payments;
- (4) issuing payment receipts;
- (5) issuing succeeding notice of hearing dates and/or final determination of liability, issuing notices of immobilization, issuing notices of impending impoundment, and issuing notices of impending driver's license suspension as may be required, in accordance with the Illinois Vehicle Code;
- (6) keeping accurate records of appearances and non-appearances at administrative hearings, pleas entered and fines and other penalties assessed and paid.

(e) Hearing room personnel appointed by the Chief of Police shall be any police officer or auxiliary police officer, and such persons are hereby authorized and directed to:

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- (1) maintain hearing room decorum;
- (2) execute authority as is granted to courtroom deputies of the Circuit Court;
- (3) perform such other duties or acts as may reasonably be required and as directed by the Administrative Hearing Officer or the Administrative Hearing Director.

Sec. 2-706. Compensation of Administrative Hearing Division Personnel

Authorization for compensation for each of the above-stated positions shall be made by the Village Council through the annual budget process. Compensation shall be determined by the Village Manager within approved budget limitations.

Sec. 2-707. Complaints and Notices of Hearings

- (a) A proceeding before an Administrative Hearing Officer shall be instituted upon the filing of a written sworn pleading or complaint by any authorized official of the Village, including police officers, code enforcement officers, and such other employees as authorized.
- (b) Respondents shall be served with a copy of the written sworn pleading or complaint along with a notice of adjudicatory hearing in any manner reasonably calculated to give them actual notice of the proceeding instituted against them including:
 - (1) personal service upon a party or its employees or agents;
 - (2) service by first class mail, certified mail return receipt requested, express mail or overnight mail, at the party's address;
 - (3) service by posting a copy of the sworn pleading or complaint upon the property where the violation is found when the party is the owner or manager of the property.
- (c) Notices of the adjudicatory hearing shall include:
 - (1) the type and nature of the ordinance violation to be adjudicated;
 - (2) the date and location of the adjudicatory hearing;
 - (3) the legal authority and jurisdiction under which the hearing is to be held; and
 - (4) the penalties for failure to appear at the hearing.

Sec. 2-708. Administrative Hearing Procedures

- (a) Hearings shall be scheduled with reasonable promptness, provided that for hearings scheduled in all non-emergency situations, if requested by the respondent, the respondent shall have at least 15 days after service of process to prepare for a hearing. For purposes of this subsection, “non-emergency situation” means any situation that does not reasonably constitute a threat to the public interest, safety, health or welfare. If service is provided by mail, the 15-day period shall begin to run on the day that the notice is deposited in the mail.
- (b) All hearings shall be open to the public and conducted before an Administrative Hearing Officer.
- (c) The Village shall not be represented by an employee of the Administrative Hearing Division; however documentary evidence including the notice of violation, complaint and attached exhibits may be presented by the Administrative Hearing Officer.

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(d) Any person appearing on behalf of the Respondent shall file with the Administrative Hearing Officer a written appearance on a form provided by the Administrative Hearing Division.

(e) All testimony shall be given under oath or affirmation.

(f) The formal and technical rules of evidence shall not apply in an adjudicatory hearing authorized under this ordinance. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(g) Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the Administrative Hearing Officer to issue subpoenas to direct the attendance and testimony of a relevant witness and the production of relevant documents. Issuance of the subpoena shall be at the discretion of the Administrative Hearing Officer where it is determined the witness or documents are material and do not constitute a needless presentation of cumulative or repetition evidence.

(h) Continuances may be granted at the discretion of the Administrative Hearing Officer upon a finding of good cause.

(i) No violations may be established except by proof by a preponderance of the evidence; however, the notice of violation, or a copy hereof, issued and signed in accordance with Section 2-707 shall be *prima facie* evidence of the correctness of the facts specified therein.

(j) Upon the conclusion of a hearing, the Administrative Hearing Officer shall issue a final determination of liability or no liability. Upon issuance, the Administrative Hearing Officer may impose penalties and or fines that are consistent with applicable provisions of the Code of Ordinance, impose a term of community service, assess costs reasonable related to instituting the administrative adjudication proceeding, and, if applicable, order the respondent to immediately correction of the violation.

Sec. 2-709. Judicial Review

Any final decision by an Administrative Hearing Officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et seq.*).

Section 2-710. Enforcement of Judgment

(a) Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the Village of Palatine and may be collected in accordance with applicable law.

(b) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of an ordinance violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the Administrative Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

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(c) In any case in which a respondent has failed to comply with a judgment ordering that respondent to correct an ordinance violation or imposing any fine or other sanction as a result of an ordinance violation, any expenses incurred by the Village to enforce the judgment entered against that defendant, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the Village of Palatine and may be collected in accordance with applicable law. Prior to any expenses being fixed by the Administrative Hearing Officer pursuant to this subsection (C), the Village shall provide a notice to the respondent that states that the respondent shall appear at a hearing before the Administrative Hearing Officer to determine whether the respondent has failed to comply with the judgment. The notice shall set the date for such hearing, which shall not be less than seven (7) days from the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail.

(d) Upon being recorded in the manner required by Article XII of the Illinois Code of Civil Procedure (735 ILCS 5/12-10 1 *et seq.*), or by the Uniform Commercial Code (810 ILCS 5/1-101 *et seq.*), a lien shall be imposed on the real estate or personal estate, or both, of the respondent in the amount of any debt due and owing the Village under this ordinance. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(e) The Administrative Hearing Officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed by the respondent within twenty-one (21) days after the issuance of the order of default, if the Administrative Hearing Officer determines that the defendant's failure to appear at the hearing was for good cause, or at any time if the respondent establishes, by a preponderance of the evidence, that the Village did not provide proper service of process. If any judgment is set aside pursuant to this subsection, the Administrative Hearing Officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the Village as a result of the vacated default judgment. When a judgment is vacated, the Administrative Hearing Officer shall proceed immediately with a new hearing set a new date for a hearing on the underlying violation(s) as soon as practical.

(f) After an order of liability become final, the Village department or agency which instituted or prosecuted an administrative adjudication before the Administrative Hearing Division may file a written petition for relief for a final order of liability entered in error with the Administrative Hearing Division. If the petitioner is granted, the final order of liability shall be vacated and the Administrative Hearing Officer shall have the authority to enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated order and directing the Village to refund any fines and/or penalties as a resulted of the vacated order.

Section 2-711. Election of Remedies.

In no case may the Administrative Hearing Division conduct an administrative adjudication proceeding for an alleged violation of the Code of Ordinance where the remedy provided is a punishment of imprisonment; provided, however, where a violation of the code is punishable by fines and other penalties in addition to imprisonment, the Village may elect to institute an action with the Administrative Hearing Division and waive any imprisonment for the code violation. Nothing in this Article, however, shall preclude the Village from seeking the remedy of imprisonment in a court of competent jurisdiction.

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Section 2-712. Severability.

The provisions of this article shall be interpreted so as not to be in conflict with the laws of the State of Illinois or any other limitations imposed by law. In the event however that any provision, sentence, or clause of this Article is declared unconstitutional by a court of competent jurisdiction shall not affect the remaining provisions of this Article.

ARTICLE XXXI.

ADMINISTRATIVE ADJUDICATION OF VEHICULAR STANDING, PARKING, AUTOMATED TRAFFIC LAW, AND COMPLIANCE REGULATION VIOLATIONS

[Editor's Note: Ordinance 0-185-08 enacted December 8, 2008, added a new Article XXXI]

Sec. 2-720. Purpose.

The stated purpose of this article is to provide a fair and efficient enforcement of municipal vehicular standing, parking, automated traffic law, and condition of vehicle regulation, compliance regulation violations and municipal wheel tax licenses within the Village, as may be allowed by law, through an administrative adjudication of violations of Village ordinances regulating the standing, parking, automated traffic law, and condition of vehicles within the geographic boundaries of the Village of Palatine and authority and procedures for collection of unpaid fines and penalties, and procedure for vehicle immobilization which shall be in addition to any other system for administrative adjudication of ordinance violations. (Ord. #0-145-12, §1, 10/15/12)

Sec. 2-721. Definitions.

For purposes of this article:

- 1) *Compliance regulation violation* means a violation of a Village of Palatine regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license, or zoning ordinance violation within Appendix A of the Village of Palatine Code of Ordinances, or violations of Article 16 – Rights-of-way of the Village of Palatine Code of Ordinances. (Ord. #0-145-12, §1, 10/15/12)
- 2) *Nonresident* means a person that does not reside on a permanent or temporary basis within the corporate limits of the Village of Palatine, Cook County, Illinois or a business or corporation that does not have an office in or license to do business within the Village of Palatine, Cook County, Illinois.

Sec. 2-722 Administrative composition.

The system of administrative adjudication of vehicular standing, parking, automated traffic law, and compliance regulation violations shall provide for a traffic compliance administrator, hearing officer, computer operator/system coordinator and hearing room personnel, all with the power and authority, subject to the limitations, as are hereinafter set forth:

- 1) *Traffic compliance administrator and/or Village of Palatine Administrative Hearing Division.* The traffic compliance administrator and/or Village of Palatine Administrative Hearing Division shall be empowered and is hereby authorized and directed to:
(Ord. #0-145-12, §1, 10/15/12)

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- a) Operate and manage the system of administrative adjudication of vehicular standing, parking, and compliance regulation violations.
- b) Adopt, distribute and process standing, parking, and compliance regulation violation notices and other notices as may be required under this article or as may be reasonably required to carry out the purpose of this article. (Ord. #0-145-12, §1, 10/15/12)
- c) Collect moneys paid as fines and/or penalties assessed after a final determination of vehicular standing, parking, or compliance regulation violations liability.
- d) Certify copies of final determinations of vehicular standing, parking, and compliance regulation violation liability and factual reports verifying that the final determination of liability was issued in accordance with this article and 625 ILCS 5/11-208.3.
- e) Review final determinations of vehicular standing, parking, and compliance regulation violations liability, validity of notices of impending impoundment and/or validity of notices of impending driver's license suspension, in accordance with the provisions of this article, hereinafter set forth.
- f) Promulgate rules and regulations reasonably necessary to operate and maintain the administrative adjudication system hereby created.
- g) Collect unpaid fines and penalties and authorize the Village attorney or prosecutor, or their designee, to file complaints in the circuit court of Cook County on behalf of the Village of Palatine for the purpose of seeking judgments for unpaid fines or penalties and pursue all post-judgment remedies available by current law on behalf of the Village.
- h) Recommend to the Village Council selection or appointment of an individual, agency or firm to tow and impound vehicles in accordance with the provisions of this article.

2) *Hearing officer* shall be empowered and is hereby authorized and directed to:

- a) Preside over the administrative hearings, established herein, as the adjudicator.
- b) Administer oaths.
- c) Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation.
- d) Assess fines and penalties for the violation of vehicular standing, parking, or compliance regulation violations as set forth in this Code provided no fine shall exceed \$250.00 per violation, exclusive of costs excepting as such fines may be otherwise stipulated in the Village of Palatine Code of Ordinances. (Ord. #0-145-12, §1, 10/15/12)
- e) Make final determinations of:
 - (1) Vehicular standing, parking and compliance regulation violation liability,
 - (2) Validity of notice of impending impoundment, and
 - (3) Validity of notice of impending driver's license suspension in accordance with the provisions of this article.
 - (4) Provide for the accurate recordation of the administrative adjudication hearings.

3) *System coordinator/computer operator.* The system coordinator/ computer operator is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system hereby created, on a day-to-day basis, including but not limited to:

- a) Input of violation notice information.
- b) Issuance of hearing dates and other required notice dates.
- c) Fine and penalty assessments and payment(s).
- d) Issuance of payment receipts.

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- e) Issuance of succeeding notices of Hearing dates, final determinations of liability, notices of impending impoundment, and notices of impending driver's license suspension, as directed by the traffic compliance administrator as hereinafter set forth.
- f) Keeping of accurate records of appearances and non-appearances at administrative hearings, pleas entered, and fines and penalties assessed and paid.

4) *Hearing room personnel.* The hearing room personnel shall:

- a) Maintain hearing room decorum.
- b) Have and execute authority as is granted to courtroom deputies of the Circuit Court of Cook County.
- c) Perform such other duties or acts as may reasonably be required and as directed by the hearing officer or traffic compliance administrator.

Sec. 2-723. Appointments

- 1) All adjudicatory hearings shall be presided over by a Hearing Officer who shall be appointed by the Village Mayor with the consent of the Village Council.
- 2) All other positions shall either be an employee of the Village of Palatine appointed by the Village Manager, or an independent contractor or agency contracted by the Village to perform such duties as enumerated above.

Sec. 2-724. Compensation of Administrative Hearing Division Personnel

Authorization for compensation for each of the above-stated positions shall be made by the Village Council through the annual budget process. Compensation shall be determined by the Village Manager within approved budget limitations.

Sec. 2-725. Procedure.

The system of administrative adjudication of vehicular standing, parking, automated traffic law, and compliance regulation violations shall be in accordance with the following procedures and final determinations of vehicular standing, parking, and compliance regulation violations liability, validity of notice of impending impoundment, validity of notice of impending driver's license suspension, impoundment of vehicles and collections shall be made only in accordance with the provisions set forth below:

- 1) *Violation notice.* Vehicular standing, parking, and compliance regulation violation notices ("violation notice") shall be issued by the persons authorized herein and shall contain information and shall be served, certified, and have evidentiary admissibility as is hereinafter set forth.
 - a) Authorization. All full-time and part-time, commissioned police officers, auxiliary police officers and community service officers, as well as other specifically appointed Village of Palatine employees or individuals shall have the authority to issue violation notices. (Ord. #0-145-12, §1, 10/15/12)
 - b) Detection of violations. Any individual authorized hereby to issue violation notices and who detects a violation of any section of any applicable Village Ordinance, shall issue a notice of violation thereof and shall make service thereof as is hereinafter set forth.

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- 2) The vehicular standing, parking, and compliance regulation violation "violation notice" shall contain, but shall not be limited to, the following information: (Ord. #0-145-12, §1, 10/15/12)
 - a) The date, time and place of the violation (date of issuance).
 - b) The particular vehicular standing, parking, or compliance regulation violated, including the Village Code section of the violation and sufficient description of the violation to inform the violator of the offense and thereby afford the violator an opportunity to defend against the violation.
 - c) The fine and any penalty that may be assessed for late payment.
 - d) The signature and identification or badge number of the person issuing the notice.
 - e) A section entitled "request for hearing" which shall clearly set forth that the party named on the violation including the property owner, or registered owner, tenant, lessee, contractor, or lessee of the vehicle may request an opportunity for a hearing. (Ord. #0-145-12, §1, 10/15/12)
- 3) Service of the violation notice shall be made by the person issuing such notice by:
 - a) Affixing the original or a facsimile of the notice to a violating vehicle, or
 - b) Handing the notice to the property owner, registered owner, tenant, lessee, contractor, tenant operator or lessee of the vehicle, if present. (Ord. #0-145-12, §1, 10/15/12)
 - c) Mailing the violation by standard mail to the property owner, or registered owner, tenant, lessee, contractor or lessee of the vehicle. (Ord. #0-145-12, §1, 10/15/12)
- 4) The correctness of facts contained in the vehicular standing, parking, or compliance regulation violation notice shall be certified by the person issuing said notice by signing his/her name to the notice at the time of service; or
- 5) The original, facsimile or electronic copy of the violation notice shall be retained by the traffic compliance administrator and/or Village of Palatine Administrative Hearing Division and kept as a record in the ordinary course of business. (Ord. #0-145-12, §1, 10/15/12)
- 6) Prima facie evidence of correctness. Any violation notice issued, signed and properly served in accordance with this section, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The violation notice or a copy of the notice shall be admissible in any subsequent administrative or legal proceeding.

Sec. 2-726. Request of Hearing Procedure.

The party named on the violation, including the property owner, registered owner, tenant, lessee, contractor, or other registered owner or lessee of a vehicle who have been served vehicular standing, parking, or compliance regulation violation notices may contest the alleged violation on its merits in person or may contest the validity without personally appearing at an administrative hearing within 14 days of the issue date of violation notice. (Ord. #0-145-12, §1, 10/15/12)

The Administrative Hearing Division or System coordinator/computer operator shall provide the registered owner, property owner, tenant, lessee, contractor, or lessee of a vehicle cited in the violation notice requesting a hearing with the following: (Ord. #0-145-12, §1, 10/15/12)

- 1) In-Person Administrative Hearing Option
 - a) The date, time and place of an administrative hearing at which the violation may be contested on its merits.

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- b) That payment of the indicated fine and any late payment penalty shall operate as a final disposition of the violation.
- c) The request of hearing shall be deemed filed upon receipt by the traffic compliance administrator and/or Village of Palatine Administrative Hearing Division. (Ord. #0-145-12, §1, 10/15/12)

2) Mail-In Administrative Hearing Option

- a) Signing a Mail-In Administrative Hearing Option request form and acknowledging that their personal appearance is waived and that they submit to an adjudication based upon the notarized statement filed by them and the facts contained in the violation notice; and
- b) Filing the Mail-In Administrative Hearing Option request form fully completed with the traffic compliance administrator and/or Village of Palatine Administrative Hearing Division postmarked within ten days of requesting a Mail-In Administrative Hearing. The request shall be deemed filed upon receipt by the traffic compliance administrator and/or Village of Palatine Administrative Hearing Division. (Ord. #0-145-12, §1, 10/15/12)
- c) The hearing officer shall make an adjudication based upon a review of the facts set forth in the notarized statement of facts filed by the party requesting the hearing, as well as, the factual allegations contained in the violation notice. (Ord. #0-145-12, §1, 10/15/12)
- d) Notice of the hearing officer's determination shall be served upon the party requesting the hearing, as well as, the registered owner or lessee of a vehicle by first class mail, postage prepaid, addressed to the registered owner or lessee of a vehicle at the address set forth in the statement of facts submitted and service of the notice shall be complete on the date the notice is placed in the United States mail. (Ord. #0-145-12, §1, 10/15/12)

Sec. 2-727. Administrative hearings.

The administrative hearing to adjudicate the alleged standing, parking, or compliance regulation violation on its merits:

- 1) Shall be granted to the registered owner, property owner, tenant, lessee, contractor, or other registered owner or operator of the "cited vehicle," pursuant to 625 ILCS 5/11-208.3 or the lessee of the "cited vehicle," pursuant to 625 ILCS 5/11-1306, incorporated herein by reference. (Ord. #0-145-12, §1, 10/15/12)
- 2) Hearings shall be at the date, time and place as is set forth in Section 2-276 of this article.
- 3) Shall be tape recorded or recorded by a certified court reporter.
- 4) Shall result in a determination of liability or non-liability, made by the hearing officer, who shall consider testimony and other evidence without the application of the formal or technical rules of evidence. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with Village Code of Ordinances.
- 5) Persons appearing to contest the alleged standing parking, or compliance regulation violation on its merits may be represented by counsel at their own expense. (Ord. #0-145-12, §1, 10/15/12)
- 6) Judicial review. The final determination of any matter which may be decided by the hearing officer may be reviewed pursuant to the Illinois Administrative Review Act (735 ILCS 5/3-101 et seq.).

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Sec. 2-728. Additional notices.

- 1) If the registered owner or lessee of the "cited vehicle" fails to appear at the administrative hearing on the date as is set forth in Section 2-276 of this article, the traffic compliance administrator and/or Village of Palatine Administrative Hearing Division shall send or cause to be sent additional notices which:
 - a) Shall be sent to registered owner or lessee of the "cited vehicle," or the party who requested the hearing, or the registered owner, property owner, tenant, lessee, contractor, or other registered owner where the ordinance violation occurred, or at the address as is recorded with the Secretary of State or to the lessee of the "cited vehicle" at the address last known to the lessor of the "cited vehicle" at the time of the lease or the last best known address of the party. (Ord. #0-145-12, §1, 10/15/12)
- 2) All such additional notices shall be sent by first class mail, postage prepaid, and service of additional notices shall be complete as of the date of deposit in the United States mail.
- 3) The additional notices sent pursuant to this section shall be in the following sequence and shall at a minimum contain the following information:
 - a) Upon the failure of the party who requested the hearing to appear at the hearing set forth in Section 2-276 of this article additional notices shall be sent and shall contain, but not be limited to, the following information: (Ord. #0-145-12, §1, 10/15/12)
 - i) Date and location of violation cited in the vehicular standing, parking, or compliance regulation violation notice;
 - ii) Particular standing, parking, or compliance regulation violated, including code section and description of violation sufficient to allow owner or lessee to understand the offense and to prepare a defense;
 - iii) Fine and any penalty that may be assessed for late payment;
 - iv) Notice to the registered owner or property owner, tenant, lessee, contractor, or other registered owner where the ordinance violation occurred, or lessee of the current status, other than paid in full; (Ord. #0-145-12, §1, 10/15/12)
 - v) Date, time and place of the administrative hearing at which the owner, registered owner, or property owner, business owner, contractor, tenant, lessee, or other registered owner or lessee may contest the violation notice on its merits; (Ord. #0-145-12, §1, 10/15/12)
 - vi) Failure to either pay fine and any applicable late payment penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of violation liability in the amount of the fine and late payment penalty indicated; and
 - vii) Statement that upon the entry of a final determination of liability for the failure to appear, or the failure to exhaust available administrative or judicial procedures for review, any remaining unpaid fine and/or late payment penalty will constitute a debt due and owing the Village of Palatine.
- 4) A notice of final determination of vehicular standing, parking, or compliance regulation violation liability shall be sent following a final determination of liability and the conclusion of administrative review and judicial review procedures as hereinafter set forth. The notice shall state that:
 - a) The unpaid fine and any late penalty assessed is a debt due and owing the Village of Palatine;

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- b) A warning that failure to pay the fine and any late penalty due and owing the Village within the time specified may result in the Village filing a complaint in the circuit court to have the unpaid fine or penalty rendered a judgment in accordance with Illinois law including 625 ILCS 5/11-208.3(f); and (Ord. #0-145-12, §1, 10/15/12)
- c) The vehicle may be impounded for failure to pay fines or penalties after a final determination of liability for five or more vehicular standing, parking, or compliance regulation violations, or driver's license suspension for failure to pay fines or penalties for ten or more such violations.

Sec. 2-729. Final determination of liability.

A final determination of vehicular standing, parking, or compliance regulation violation liability shall:

- 1) Occur following the failure to pay the total assessed fine and/or penalty after the hearing officer's determination of vehicular standing, parking, or compliance regulation violation liability and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth; or
- 2) Where a person fails to appear at a prior hearing or by the third and final administrative hearing (provided proper notice has been given), the hearing officer's determination of liability shall become final:
 - a) Upon denial of a timely petition to set aside the determination of liability; or
 - b) Upon the expiration of the period for filing petition to set aside a final determination of liability without such filing having been made.
- 3) When a person fails to request a hearing or fails to pay the fine in conformance with the time frame specified on the violation.

Sec. 2-730. Schedule of fines/penalties.

- 1) The fines and penalties which shall be imposed for the violation of vehicular standing, parking, or compliance regulation violation shall be as set forth in Village Code of Ordinances and the fines and penalties therein set forth shall be uniformly applied for each violation of any applicable Village Code of Ordinances.

Sec. 2-731. Illinois Compiled Statues governing the standing, parking, or condition of vehicles-- Adopted.

The Village of Palatine adopts by reference all current and future provisions of the Illinois Compiled Statutes governing the standing, parking, or condition of vehicles, for its enforcement and adjudication within the corporate boundaries of the Village and in those areas subject to off-street parking agreements, as well as, those sections allowing for the administrative adjudication or municipal code violations. (Ord. #0-145-12, §1, 10/15/12)

Sec. 2-732. Immobilization/towing and impoundment.

Any motor vehicle may be immobilized or towed and impounded if:

- 1) The traffic compliance administrator has determined that a person has been found to be liable for five or more vehicular standing, parking, or compliance regulation violations, the fines and penalties for which remain unpaid,

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- 2) The person determined to be liable for the five or more violations is the registered owner of a motor vehicle that is located within the corporate limits of the Village of Palatine at the time of immobilization, impoundment or towing; and
- 3) A pre towing notice has been sent to the registered owner of the motor vehicle which notice contains the following:
 - a) Final determinations of liability have been made on five or more vehicular standing, parking, or compliance regulation violations, the fines and penalties for which remain unpaid;
 - b) A list of the violations for which the person has been determined to be liable, which shall include for each violation:
 - i) The vehicular standing, parking, or compliance regulation violation notice number.
 - ii) Date of issuance.
 - iii) Total amount of fine and penalty assessed.
 - iv) The motor vehicles owned by the person and located within the Village is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within 14 days of the date of the notice.
 - v) The registered owner may contest the validity of the notice by fully completing and signing the "request for hearing" portion of one notice and by filing the request for hearing with the traffic compliance administrator within, but not later than 14 days of the date of the notice.
 - vi) The request for hearing shall be deemed filed upon receipt by the traffic compliance administrator.
- 4) The motor vehicle of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and no timely request for hearing has been filed with the traffic compliance administrator to contest the validity of the notice.

Sec. 2-733 Impoundment or pre towing hearing.

Upon the receipt of the request for hearing to contest the validity of the notice of impending immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing whereby the registered owner of the vehicle may contest the validity of said notice, by disproving liability for the unpaid Final Determinations of liability listed on the notice. The hearing shall be scheduled on the next available hearing date, if practicable, but in no event shall the hearing be scheduled later than 60 days after the request for hearing is filed.

- 1) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner by first class mail, postage prepaid to the address on the request for hearing; and
- 2) Service of the notice shall be complete on the date it is placed in the United States mail.

Sec. 2-734. Post towing hearing.

The registered owner of a vehicle already immobilized or towed and impounded pursuant to this section, shall have the right to a prompt administrative hearing without the requirement of payment of the outstanding fines and penalties for which final determination has been made.

- 1) The traffic compliance administrator shall serve a post towing hearing notice upon the registered owner of a vehicle immobilized or towed and impounded and the notice shall contain the following information:
 - a) Date of immobilization or towing and date of impoundment.

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- b) Location of vehicle.
- c) That the vehicle was immobilized under this section of the Village Code of Ordinances for nonpayment of fines or penalties assessed for five or more violations of vehicular standing, parking, or compliance regulations violations for which there has been a final determination of liability and for which the owner was previously notified of impending immobilization or towing and impoundment.
- d) Date of notice of impending immobilization or towing and impoundment.
- e) The registered owner may contest the validity of the immobilization or towing and impoundment by completing and signing the "request for hearing" portion of the notice and filing the request for hearing with the traffic compliance administrator within 14 days of the date of the notice.

2) Upon the receipt of the request for hearing to contest the validity of the immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing to contest the validity of the immobilization or towing and impoundment on the next available hearing date, if practicable, or sooner if scheduled by the traffic compliance administrator for good cause shown, but in no case shall the hearing be scheduled later than 60 days after the request for hearing is filed.

- a) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner.
- b) Notice shall be sent by first class mail, postage prepaid to the address as is set forth on the request for hearing and service of the notice shall be complete on the date it is placed in the United States mail.

3) An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of 735 ILCS 5/3-101 et seq.

Sec. 2-735. Release of impounded vehicle.

A vehicle impounded pursuant to this section shall be released to its registered owner or agent, upon payment of the fines and penalties due and owing the Village as specified in the notice plus the payment of towing charges and accrued daily impound charges. Notwithstanding the foregoing, a vehicle may be released upon written order of the hearing officer following a hearing contesting the validity of the impoundment.

Sec. 2-736 Impoundment facility.

The Village shall retain the services of an individual agency or company to tow and impound vehicles and such agency or company shall be:

- 1) Fully licensed according to local and state law;
- 2) Fully insured; and
- 3) Have available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this section a secured area shall mean an area bounded by a fence, chain-link or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.

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Sec. 2-737. Judicial review.

Judicial review of final determinations of vehicular standing, parking, or compliance regulation violations and final administrative decisions issued after hearings regarding vehicle immobilization or towing and impoundment made under this section shall be subject to judicial review pursuant to the provisions of the Administrative Review Act, 735 ILCS 5/301, et seq.

Sec. 2-738. Debt to municipality.

Any fine or penalty assessed in accordance with the provisions of this article and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies and the conclusion of any judicial review procedures shall be a debt due and owing the Village and such debt may be collected in accordance with the applicable law. Payment in full of any fine or penalty shall constitute a final disposition of that violation.

Sec. 2-739. Judgment.

- 1) The traffic compliance administrator and/or Village of Palatine Administrative Hearing Division shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of violation, take all necessary action, execute all required documents and direct the Village attorney or Village prosecutor to obtain a judgment against and collect moneys from the person who has been assessed fines or penalties which remain unpaid and have become a debt due and owing the Village by: (Ord. #0-145-12, §1, 10/15/12)
 - a) Filing a complaint in the Circuit Court of Cook County praying for the entry of a judgment against the person(s) for whom a final determination of liability has been made.
 - b) The complaint filed on behalf of the Village shall have appended:
 - i) A certified copy of a final determination of the standing, parking, or compliance regulation violations, and
 - ii) A certification that recites facts sufficient to show that the final determination of standing, parking, or compliance regulation violations were issued in accordance with this article and/or 625 ILCS 5/11-208.3.
 - c) Nothing herein shall prevent the Village from consolidating multiple final determinations of standing, parking, or compliance regulation violations liability in an action against an individual.
- 2) Service of summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this section by any method provided under 735 ILCS 5/2-203, or by certified mail, return receipt requested, provided the total amount of fines and penalties levied does not exceed \$2,500.00, excepting as such fines may be otherwise stipulated in the Village of Palatine Code of Ordinances. (Ord. #0-145-12, §1, 10/15/12)

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ARTICLE XXXII. DEPARTMENT OF HUMAN RESOURCES

Sec. 2-620. Department created; composition.

There is hereby created a department of human resources

Sec. 2-621. Office of director of human resources.

There is hereby created the office of director of human resources, an executive office of the Village.
(Ord. No. O-57-92,   1, 4-27-93)

Sec. 2-622. Duties and functions generally.

The director of human resources shall be responsible for the oversight and management of all personnel, health insurance and other non-pension benefit related operations of the Village. The director shall be responsible for the supervision and direction of the department of human resources under the general direction of the Village Manager. The director shall advise the Village Manager on all human resources needs of the Village and shall coordinate the human resource management program of the Village and such other quality assurance related and management programs as assigned by the Village Manager.