

**CHAPTER 9**

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## **ARTICLE I. OFFICERS AND EMPLOYEES**

### **Sec. 9.1                   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 office or employee.

### **Sec. 9.2                   Appointment**

All officers other than elective officers shall be appointed by the President and Board of Trustees, as is provided by statute; provided that all employees shall, in the absence of any provisions to the contrary, be appointed or selected by the President.

### **Sec. 9.3                   Term of Office – Vacancies**

Every appointive officer of the Village shall hold office until the first day of May following his appointment or until his successor is appointed and qualified, unless it is otherwise provided by ordinance. In case of a vacancy in any such office, it shall be filled in the same manner in which appointments or selections are made in the absence of provision to the contrary.

### **Sec. 9.4                   Monies Received**

Every officer of the Village shall at least every other day turn over all money received by him in his official capacity to the Treasurer with a statement showing the source from which the same was received.

### **Sec. 9.5                   Oath**

Every officer of the Village shall, before entering upon his/her duties, take the oath prescribed by statute.

### **Sec. 9.6                   Salaries**

All officers and employees of the Village shall receive such salary as may be from time to time provided by action of the Board of Trustees.

### **Sec. 9.7                   Assignment of Duties**

The Board of Trustees shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer.

**Sec. 9.8                      Records**

All records kept by any officer of the Village shall be open to inspection by the President or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

**Sec. 9.9                      Bond**

Every officer and employee shall, if required by the Board of Trustees, upon entering upon the duties of his/her office, give a bond in such amount and with such sureties as may be determined by said Board, conditioned upon the faithful performance of the duties of his office or position.

**Sec. 9.10                     Arrests**

The President and members of the Board of Trustees 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.

**Sec. 9.11                     Delivery of Books and Records**

Every officer and employee of the Village, upon the expiration of his/her term for any cause whatsoever, shall deliver to his/her successor all books and records which may be the property of the Village, and if no successor has been appointed within one week after the termination of office, such property shall be delivered to the Village Clerk or Village Treasurer.

**Sec. 9.12                     Impersonation**

It shall be unlawful for any person to impersonate without lawful authority any Village officer or employee.

**Sec. 9.13                     Penalty**

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Article, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

**Sec. 9.14 – 9.39             Reserved**

**ARTICLE II. STATE OFFICIALS AND EMPLOYEES ETHICS ACT**

**Sec. 9.40 Effective Provisions**

- a. The regulations of Section 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5.
- b. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.
- c. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act, is hereby prohibited.
- d. The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.
- e. For purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).
- f. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- g. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- h. Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated in to this Section by reference without formal action by the corporate authorities of the Village.
- i. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

- j. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(Note: Sec. 9.40 added per Ordinance 2004-4; 5/3/04)

**Sec. 9.41 – 9.69      Reserved**

### **ARTICLE III. OTHER REGULATIONS**

#### **Sec. 9.70 Corporate Seal**

The Corporate Seal of the Village shall be as follows: A circular disc with the words “Village of Brimfield” inscribed therein.

#### **Sec. 9.71 Fiscal Year**

The fiscal year for the Village shall begin on the first day of May of each year and end on the last day of April of the following year.

#### **Sec. 9.72 Injury to Public Property**

It shall be unlawful for anyone to injure, deface or interfere with any property belonging to, or under the control of, the Village, without proper authority from the Board of Trustees. Any person violating the provisions of this Section shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; and any firm, person, corporation or organization shall be deemed guilty of a separate offense for each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

#### **Sec. 9.73 Elections**

Elections for municipal offices shall be held as provided by statute and at the time prescribed by statute.

#### **Sec. 9.74 Surety Bonds**

Whenever a surety bond to indemnify the Village is required as 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 or sureties on such bond must be approved by the President and Board of Trustees in the absence of specific provisions 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 loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the Village may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten days from the time such order is transmitted to the principal on the bond, or his/her 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.

**Sec. 9.75****Official Time**

Central Standard Time shall be the official time for the transaction of the Village business, except that from 2:00 A.M. on the last Sunday in April of each year the official time shall be advanced one hour until 2:00 A.M. of the last Sunday in October of each year, at which time the official time shall be Central Standard Time. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed by this section.