

**AN ORDINANCE AMENDING SECTION 1-7-10 OF CHAPTER 7 OF TITLE 1
OF THE CAMPTON HILLS VILLAGE CODE REGARDING THE EXPIRATION
OF THE TERM OF OFFICE OF APPOINTED OFFICERS**

WHEREAS, the Village of Campton Hills, Kane County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Village, as a non-home-rule unit of local government, has those powers granted to them by law or necessarily implied from or incident to powers expressly granted; and

WHEREAS, pursuant to Section 3.1-10-5 of the Illinois Municipal Code, the Village President, by and with the advice and consent of the Board of Trustees, may appoint certain officers of the Village to serve a term of office fixed by the Board of Trustees; and

WHEREAS, prior hereto, the Board of Trustees have exercised their statutory authority by ordinance and fixed the term of office of all appointed officers of the municipality; and

WHEREAS, in order to prevent Village President from circumventing the foregoing statutory authority of the Board of Trustees while also protecting the appointment authority of the Village President, the Board of Trustees desire to amend Section 1-7-10 pertaining to the appointment of appointed officers, as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois, as follows:

Section 1. That the above recitals are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. That Section 1-7-10 of the Village Code entitled "Expiration of Office" is hereby deleted in its entirety and restated as follows:

1-7-10: EXPIRATION OF TERM FOR APPOINTED OFFICE:

- A. Unless otherwise specified in the Village Code, all appointed officers are appointed for a one year term of office, or remaining portion thereof, and all such terms of office shall expire on the immediately following June 30th.
- B. For purposes of this Section, any appointed officer who serves in office beyond the applicable term of office shall be considered a "hold-over officer."
- C. In the event of an expiration of the term of office of an appointed officer, the Village President shall submit to the Board of Trustees, for its advice and consent, a successor

nomination for appointment (whether it be the same or different individual who served the prior expired term of office) within thirty (30) days of the expiration of the applicable term of office. Such successor nomination for appointment must receive an affirmative vote of a majority of the Board of Trustees then holding office in order to be appointed to the office for the applicable term of office. The Board of Trustees shall either consent to or disapprove of the successor nomination for appointment within twenty (20) days after receipt of such nomination from the Village President.

- D. If a successor nomination for appointment fails to receive an affirmative majority vote as set forth in Section 1-7-10(C), the Village President shall, within thirty (30) days of the initial denial, resubmit to the Village Board, for its advice and consent by majority vote as provided in Section 1-7-10(C), the same or a different successor nomination for appointment. If a successor nomination for appointment twice fails to receive a majority vote of the Board of Trustees as provided herein, such nomination shall not be resubmitted by the Village President to the Village Board for the remaining applicable term of office. The Board of Trustees shall either consent to or disapprove of the successor nomination for appointment within twenty (20) days after receipt of such nomination from the Village President. Subject to the limitations set forth herein, the Village President shall continue to submit successor nominations for appointment for consideration by the Board of Trustees, and the Board of Trustees shall continue to consider such successor nominations of appointment, until a successor nomination for appointment receives the necessary approval, all as provided in this Section 1-7-10.

- E. Upon expiration of an applicable term of office, a hold-over officer shall continue to serve in office until a successor is appointed and approved, as provided herein. No appointed officer shall serve beyond the term of the Village President, except as may be provided by statute. Notwithstanding the foregoing, any non-salaried hold-over officer shall not be compensated for any services provided in conjunction with the office for which the appointed term of office has expired unless the Village President is pursuing a successor nomination for appointment as provided in this Section 1-7-10.

Section 3. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 4. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

Passed this _____ day of _____, 2017 pursuant to roll call vote as follows:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Laura B. Andersen	_____	_____	_____	_____
Trustee Susan P. George	_____	_____	_____	_____
Trustee James McKelvie	_____	_____	_____	_____
Trustee Mike Millette	_____	_____	_____	_____

Motion to approve an Ordinance Amending Section 1-7-10 of Chapter 7 of Title 1 of the Village Code Regarding the Expiration of Term of Office of Appointed officers with the following amendments:

Strike 5th Where as in its entirety

Strike 6th Where as, from “safeguards” to the “Village’s form of government”

Strike 7th Where as, everything up to “the Board of Trustees desire to amend”

Section 2 A. “Unless otherwise specified in the Village Code” add “as provided by law”. And change June 30th, to “expire on the immediately following the first meeting of the Board of Trustees in the following May.”

Strike sections C and D

Add The Board of Trustees shall adopt a policy outlining the procedure to consent to such appointments which shall include a timeline, to be followed, which shall be no less than 15 days from the expiration and no more than 30 days from the expiration from said term of office.

; seconded by Trustee George

Roll Call Vote:

2-Ayes: Trustees: George, Millette

4-Nays: Trustees: Andersen, McKelvie, O’Dwyer, Tyrrell

Motion Failed.

Motion to approve an Ordinance Amending Section 1-7-10 of Chapter 7 of Title 1 of the Village Code Regarding the Expiration of Term of Office of Appointed officers presented as Item 11 with the following amendments

✓ Strike the whereas 5

✓ Strike the whereas 6

Change the whereas 7, change in order to prevent “any” Village President from circumventing, and strike “further”

Insert Village Code and State Law

Insert immediately following the First Regular Meeting of the Board of Trustees in the Following May

; seconded by Trustee McKelvie

(Trustee Tyrrell asked to include 5th Whereas with minor amendments, since it is, in his opinion, the foundation of preserving the statutory authority of the Board of Trustees) Accepted by majority of Trustees to remove word “President” to Where as the Village has ignored

- Trustee George asked why such inflammatory language would be included in the governance document.
- Trustees discussed wording in document to find consensus and 5th Whereas be stricken entirely.

Roll Call Vote:

5-Ayes: Trustees: Andersen, George, McKelvie, O’Dwyer, Tyrrell

1-Nay: Trustee Millette

Motion Carried.

Return to Item 8 Budget Discussion

Board recess at 9:15

Board reconvened at 9:19

Trustee Mike O'Dwyer
Trustee Michael Tyrrell
President Harry Blecker

APPROVED this _____ day of _____ 2017.

No signed copy final
Harry Blecker, Village President

(SEAL)

*Version not provided for
Signature.*

ATTEST:

Nicholas Girka, Village Clerk

President Keto May 2, 2017