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AN ORDINANCE CREATING A MANAGER FORM OF GOVERNMENT BY ORDINANCE AND AMENDING TITLE 1, CHAPTERS 6 AND 7 AND TITLE 6, CHAPTER 10 OF THE ORLAND PARK VILLAGE CODE

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WHEREAS, the Village of Orland Park (the “Village”), is a duly incorporated and existing home rule municipality, created under the provisions of the laws of the State of Illinois, and is operating as a Trustee-Village municipality provided under the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, in addition to the Trustee-Village governmental system, the Village adopted a “Statutory Manager” form of municipal government, also known as an Article 5 form of government, because certain aspects of governance are controlled by Article 5 of the Illinois Municipal Code. 65 ILCS 5/5-1-1, et.seq. Article 5 establishes the statutory duties of the manager and restricts the administrative duties of the elected officials; and

WHEREAS, pursuant to the Illinois Constitution and the Illinois Election Code, the Village initiated a referendum, to be submitted to the voters of the Village, on the question of whether the Village should abandon its current Article 5 Statutory Manager form of municipal government and restore the executive, administrative and appointment authority in the elected President and Board of Trustees of the Village; and

WHEREAS, the placement of the question of whether or not to retain the current managerial form of government in the Village was placed on the ballot for consideration by the voters of the Village, at the April 4, 2023, Consolidated Election; and

WHEREAS, a majority of the voters of the Village of Orland Park voted that the Village of Orland Park should not retain the Article 5 Statutory Manager form of municipal government and as such the proposition to abandon operation under Article 5 of the Illinois Municipal Code has been approved; and

WHEREAS, the proposition set forth to be submitted to the voters of this Village at the April 4, 2023 Consolidated Election became effective upon the completion of the canvass as provided in Article 22 of the Illinois Election Code and official declaration of the results of the vote totals on the proposition immediately following the April 4, 2023 consolidated election and the Article 5 Statutory Manager form of municipal government has been abandoned; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village and its residents to amend the Village Code to create the position of municipal Village Manager, who is not an Article 5 Statutory Manager and allowing for the appointment of the same. Although the Article 5 Statutory Manager form of municipal government and the manager or administrator form created outside of Article 5 of the Illinois Municipal Code are separate and distinct, they both share a common purpose in utilizing a single person with the full administrative authority to handle the day to day functions of the Village.

WHEREAS, the Orland Park Village Code must be amended to reflect the vote of the residents to abandon the Article 5 Statutory Manager form of municipal government and to create the new Village Manager position and allowing for the appointment of the same and to set forth his or her administrative duties.

NOW, THEREFORE, BE IT RESOLVED, by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

Title 1, Chapter 6, Section 1-6-1, of the Orland Park Village Code is hereby deleted and repealed in its entirety.

SECTION 2:

Title 1, Chapter 7, Sections 1-7-1-1 through and inclusive of 1-7-1-11, of the Orland Park Village Code is hereby amended to delete and repeal in its entirety the present wording and substitute therefor the following:

“1-7-1-1: OFFICE ESTABLISHED:

There is hereby established the office of Village Manager for the Village.

1-7-1-2: APPOINTMENT:

The Village Manager shall be appointed by the Village President with the advice and consent of the Board of Trustees. 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 of the office set forth in this Chapter. The Village Board may in its discretion choose to enter into an employment contract the individual chosen to be the Village Manager. The Village Manager shall be chosen without regard to his or her political beliefs or affiliations.

1-7-1-3 TERM:

The Term of the Village Manager shall not exceed that of the Village President

1-7-1-4: REMOVAL FROM OFFICE:

The Village Manager may be removed at any time in accord with his or her employment contract, if any, or in accord with Section 3.1-35-10 of the Illinois Municipal Code, 65 ILCS 5/3.1-35.10.

1-7-1-5: POWERS, DUTIES AND FUNCTIONS:

The Village Manager shall be the chief administrative officer of the Village and shall be responsible to the Village Board of Trustees for the proper administration of the affairs of the Village. The individual serving as the Village Manager shall devote all of his/her professional time to the discharge of official duties and shall have no other trade or business.

The Village Manager shall work and cooperate with all Village officials and employees and the attorneys, accountants and other consultants representing the Village, and such persons shall render to him the assistance and shall furnish him the oral or written information and material relating to the affairs of the Village as he may request.

The power and duties of the Village Manager shall be to:

1. Enforce the laws and ordinances within the Village at the direction of the President;
2. Recommend to the Village Board of Trustees adoption of such measures as may be necessary or expedient;
3. Appoint, suspend or remove all employees of the Village, except those employees that are: (1) officers of the Village and fall under the appointment powers of the President; (2) those employees that are under the authority of the Fire and Police Commission; (3) Department Heads/Directors and Assistant Department Heads/Directors and (4) the Police Chief. Such appointments, suspensions or removals shall be based upon the merit and fitness of such employee, without regard to political belief or affiliation. The Village Manager may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office;
4. Recommend to the Village Board of Trustees the hiring of Department Heads/Directors and/or Assistant Department Heads/Directors;
5. Recommend to the Village Board of Trustees the creating, consolidating, combining and eliminating of offices, positions and departments of the Village;
6. Exercise control of all departments and divisions thereof now in existence, or that may hereafter be;
7. Prepare a budget report indicating the funds necessary to defray the estimated expenses of the Village for the fiscal year, prepare the annual appropriation ordinance in time for consideration and enactment by the Village Board of Trustees as required by statute and prepare the annual tax levy;
8. Keep a current inventory of all real and personal properties of the Village and the location of such property. The Village Manager shall be responsible for the care and custody of all Village properties which are not by statute or ordinance assigned to some other officer or body for care and control;
9. Authorize settlements and plea agreements, or the compromise and satisfaction of judgments, in the prosecution of local ordinance violations; or to authorize another officer or attorney of the Village to do so;
10. Execute permit applications on behalf of the President and Village Board of Trustees for Village of Orland Park construction projects within Cook and Will County rights-of-way;

11. Be the purchasing agent for the Village except where specific provisions to the contrary are made by Village ordinance. As such, he may issue rules and regulations governing requisitions and the transaction of the business of purchasing between himself as purchasing agent and the heads of departments, officers and employees of the Village. As purchasing agent, he shall have the authority and duty to seek qualified vendors to supply the Village and any department, board or officer thereof with needed materials, equipment, services and insurance and purchase same subject to the following restrictions:

i. No purchase, lease or agreement for contractual services may be entered into or made, the cost of which exceeds the unexpended and unencumbered amount in a budget category, until and unless the Board of Trustees has increased that budget category.

ii. The Village Manager may enter into leases on behalf of the Village or agreements for contractual services needed by the Village or any department, board or officer thereof, but any such lease or contractual service agreement of greater than one year's duration shall require prior approval by the Board of Trustees.

iii. Leases or agreements for contractual services of one year or lesser duration shall be subject to the limitations specified below.

iv. For a purchase or lease of materials, goods, equipment, services or insurance, the cost of which is less than \$25,000, the Village Manager shall request price quotations from several vendors or service providers, unless only a single source is available, and choose from among them as he/she may determine is in the best interests of the Village. The Village Manager may, in his/her discretion, delegate to a Village Department Head the authority to purchase or lease materials, goods, equipment, services or insurance, the cost of which is less than \$5,000, except that the Village Manager may, in his/her discretion, delegate to the Finance Director the authority to purchase or lease materials, goods, equipment, services or insurance, the cost of which is \$5,000 or more but less than \$15,000. No such purchase or lease, the cost of which is equal to or greater than \$25,000, shall be made or entered into by the Village Manager without prior approval by the Village Board of Trustees.

v. For a purchase or lease of materials, goods, equipment, services or insurance, the cost of which is \$25,000 or more, the Village Manager shall advertise for and receive sealed bids and shall present said bids, together with his/her recommendations, to the Village Board of Trustees for consideration. The requirement for sealed bids is not required for a purchase or lease of materials, goods, equipment, services or insurance which is not, by its nature, adaptable to the bidding process, such as professional service contracts or contracts where there is only a single source available. The requirement for sealed bids may also be waived by the Village Board of Trustees by a vote of two-thirds of the Trustees then holding office. If the requirement for sealed bids is not required or waived, the Village Manager shall request price quotations and present these to the Village Board of Trustees.

vi. The Village Board of Trustees may, in its discretion, delegate to the Village Manager the authority to sign contracts on behalf of the Village for the purchase or lease of materials, goods, equipment, services or insurance, the cost of which is \$25,000 or more, which contracts have been approved by the Village Board of Trustees. A purchase order for goods and services, the cost of which is less than \$10,000 and which purchase order contains all required terms and

conditions, may serve as a contract. However, a purchase order for a public works project may not serve as a contract.

vii. In connection with any work or public improvement bid or proposal, the Village Manager, or his/her designee, shall fix the amount of any performance bond or any labor and material payment bond and in circumstances deemed appropriate by the Village Manager he/she may waive the requirement of a performance bond and/or labor and material payment bond.

12. Coordinate the management of the Village Hall and all other Village buildings, facilities and properties, provide necessary facilities for the operations and purposes of all boards and commissions of the Village and keep a current inventory of all real and personal property of the Village.

13. Submit, or cause to be submitted to the President and Board of Trustees, monthly and annual written reports of the activities and financial status of all Village departments and operations under his/her management. The annual report shall be submitted within thirty (30) days following the end of each fiscal year.

14. Attend all meetings of the Village Board of Trustees and committees thereof, unless excused therefrom. He/she shall be entitled to notice of all meetings, regular and special, of the Village Board of Trustees and shall have the privilege of taking part in the discussion of all matters before the Village Board of Trustees in a consulting and advisory capacity. He/she shall not have the right to vote.

15. As required from time to time, provide reports and general information to the members of the Board of Trustees.

16. Advise, and as necessary, provide assistance to all duly constituted boards, commissions and advisory committees of the Village.

17. Be responsible for the preparation and release of newsletters, brochures, articles and other informational sources in order to keep the public informed on the activities of the Village government and shall make himself/herself available to the residents and business community of the Village and work with the public to receive suggestions and to hear, investigate and attempt to resolve complaints relating to matters concerning the administration of the government of the Village and the services rendered by the Village.

18. Represent the Village in matters concerning the Village and other governmental entities as directed by the President and Board of Trustees.

19. Perform such other duties and services consistent with the laws of the State of Illinois and the ordinances of the Village, as the President and Board of Trustees may from time to time direct or delegate, including any ordinance amending this Section of the Village Code which expands, diminishes or otherwise modifies the provisions of this Section which the President and Board of Trustees may from time to time adopt.

1-7-1-6: DUAL OFFICES AND EMPLOYMENT PROHIBITED:

During the period of his term, or any renewal thereof, unless he secures the prior approval of the Board of Trustees, the Village Manager shall not be otherwise employed in any capacity, or hold

any other office, whether on a full or part-time basis, by any other person, firm or corporation, nor shall he perform any work, consult or otherwise be engaged by any unit of local government other than the Village.

1-7-1-7: CONFLICT OF INTEREST PROHIBITED:

The Village Manager shall not be interested, directly or indirectly, in any contract, work or business of the Village, or in the sale of any article to the Village, or in the purchase of any property belonging to the Village, or sold for taxes or assessments, or sold by virtue of legal process at the suit of the Village.

1-7-1-8: COMPENSATION:

The Village Manager shall receive such compensation as the Board of Trustees shall from time to time establish.

1-7-1-9: RESIGNATION:

Upon thirty (30) days' prior written notice to the President and Board of Trustees, the Village Manager may resign from his office.

1-7-1-10: BOND:

The Village Manager shall furnish a surety bond in such sum and form as required by the Board of Trustees, said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the Village.

1-7-1-11: OATH OF OFFICE:

The Village Manager, before entering upon his duties, shall take and subscribe to the oath of office required to be taken by officers pursuant to the provisions of the Illinois Municipal Code.

1-7-1-12: TEMPORARY ABSENCE OR DISABILITY.

During the temporary absence or disability of the Village Manager, the Village Manager shall appoint an acting Village Manager, with all the powers and duties of the office. If the Village Manager is unable or fails to appoint an acting Village Manager, the President with the advice and consent of the Village Board of Trustees shall appoint an acting Village Manager. The Acting Village Manager may be removed from office by a majority vote of the Village Board of Trustees then holding office. If such an appointment is of a person not already under bond to the Village and such person shall be Acting Village Manager for more than thirty consecutive days, such appointee shall furnish a bond in accord with Section 7 above.

1-7-1-13: VACANCY – MANAGER PRO TEM.

In case of a vacancy in the office of Village Manager, the President, with the advice and consent of the Village Board of Trustees, may appoint a Manager Pro Tem who shall possess the powers and duties of the Village Manager until such time as the office is filled in accord with this ordinance.”

SECTION 3:

Title 6, Chapter 10, Section 6-10-1 (1) of the Orland Park Village Code is hereby amended by substituting the words ‘ President with the advise and consent of the Board of Trustees’ for the word “ Manager”

SECTION 4:

All Ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6:

This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.