

# Request For Board Action

**REFERRED TO BOARD:** January 18, 2016

**AGENDA ITEM NO:** 6

**ORIGINATING DEPARTMENT:** Finance Department

**SUBJECT:** Consideration of an Ordinance codifying the Village's Fiscal Policy and eliminating the appointed position of Comptroller.

## **SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

At the August 3, 2015 meeting, the board approved a Resolution establishing the Fiscal Policies Manual which was designed to formalize current practices and clearly define the fiscal discipline of the Village. Establishing the policy manual also required changes to the current Village Code to include references to the Fiscal Policy Manual.

The attached Ordinance also amends the Code to eliminate the Comptroller's position. The Code designates an appointed Treasurer and an appointed Comptroller. In 2003, the Village created a Finance Department and a non-appointed Finance Director, this made the Comptroller position unnecessary.

**FINANCIAL IMPACT:** None

## **DOCUMENTS ATTACHED:**

1. Ordinance

## **RECOMMENDED MOTION:**

**Move to** approve an ordinance codifying the Village's Fiscal Policy and eliminating the appointed position of Comptroller.

**ORDINANCE 16 - \_\_\_\_\_**

**AN ORDINANCE CODIFYING THE VILLAGE'S FISCAL POLICY  
AND ELIMINATING THE APPOINTED POSITION OF COMPTROLLER**

**WHEREAS,** The Village has long had two appointed positions in the Antioch Municipal Code designating financial officers, namely the Treasurer (Section 1-5-3) and the Comptroller (Section 1-5-5), and

**WHEREAS,** the Village Board has recently adopted a comprehensive fiscal policy by resolution, with the intention of codifying the same to ensure greater permanence of the sound fiscal measures contained therein, and

**WHEREAS,** the actual practice of the Village in recent years has been to have an appointed Treasurer who also serves as the non-appointed Finance Director and not to have a Comptroller whose duties would be duplicative, and

**WHEREAS,** the establishment and maintenance of sound fiscal policies is among the most important duties of the Mayor and Board of Trustees of any municipality, and

**WHEREAS,** it is the intention of the corporate authorities of this Village to exercise the best management practices possible respecting all fiscal controls, management and oversight so as to protect the public's money to the maximum extent possible,

**NOW THEREFORE, BE IT ORDAINED** by the Village of Antioch, Lake County, Illinois, as follows:

**SECTION ONE:** Section 1-5-3 of the Antioch Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

**1-5-3: VILLAGE TREASURER:**

A. Bond: Before entering upon the duties of his office, the village treasurer shall execute a bond in an amount and with any sureties as may be required by state law and conditioned upon the faithful performance of the duties of his office

B. General Duties:

1. Required Duties: The village treasurer shall perform such duties as may be prescribed of him by statute or by ordinance. He shall receive all money paid in to the village, either directly from the person paying the money or from the hands of such other officer as may receive it, and he shall pay out money only on vouchers or order properly signed by ~~the village clerk and the mayor~~ any two of the following persons: the village administrator, the village clerk, the village treasurer and/or the mayor.

2. Deposit Of Funds: He shall deposit the village funds in such depositories as are ~~selected from time to time by the village board of trustees; and he shall keep the deposit of village money separate and distinct from his own money, and shall not intermingle his own money with the village money and he shall not make private or personal use of any village money.~~ designated in the Village's Fiscal Policy Manual, established and maintained pursuant to section 1-8-10 of this Code.
3. Reports: The treasurer shall make monthly reports to the village board of trustees showing the state of the finances of the village, and the amount received and spent during the month, which reports shall be filed. The treasurer shall make an annual report between May 1 and May 10 with total amount of all receipts and expenditures of the village and his transactions as treasurer during the preceding fiscal year. such reports as are required or suggested by the Village's Fiscal Policy Manual, established and maintained pursuant to section 1-8-10 of this Code.

#### C. Records:

1. Accounting Practices And Records: ~~In the manner required by the village board of trustees, the treasurer shall~~ The Treasurer shall keep such books and accounts as may be required by the village board of trustees, showing all money received by him, showing the source from which it is received and the purpose for which it is paid; and he shall keep records at all times showing the financial status of the village. by the Village's Fiscal Policy Manual, established and maintained pursuant to section 1-8-10 of this Code.
2. Register Of Warrants: The treasurer shall keep a register of all warrants, bonds or orders issued by the village, filed with him or paid by him, and all vouchers, as is required by statute; such bonds, warrants and vouchers to be registered when countersigned.

#### D. Special Assessments:

1. Bonds: ~~On or before January 10 of each year, the treasurer shall ascertain the amount of special assessment collected and applicable to the payment of bonds of each series unmaturred, and shall select by lot bonds of series, to such amount, to be paid therewith, and shall give notice in some newspaper published in the village of the number of bonds to be so paid, the series thereof, the assessment to which they relate, and the particular bonds so selected to be paid, and that the same will be paid, at a place to be specified, on February 10, next following; and thereafter, from and after February 10, said bonds shall be payable at the place so appointed on demand, and no further interest shall accrue. (reserved)~~
2. Interest:
  - a. Interest accruing upon the deposit of money derived from special assessments shall be credited to and paid to the village and shall be kept separate and apart from all other funds and shall be known as the special assessment interest fund.
  - b. Such interest shall first be used in retiring outstanding special assessment vouchers and bonds that are delinquent by reason of any deficiency in the funds out of which said vouchers or bonds are to be paid, in the order in which they were issued both as to the particular special assessments and also as to the particular vouchers or bonds of said special assessments; however, they shall be paid as presented as hereinafter set forth; after the payment of all said delinquent vouchers and bonds the balance of said interest shall be used for the payment of assessments on account of public benefits in the order in which said assessments were levied.

E. Disbursement Of Interest Monies: The village treasurer shall:

1. Maintain an index of all the vouchers and bonds that are delinquent by reason of any deficiency in the funds out of which said vouchers or bonds are to be paid which were presented to him and are unpaid during the fiscal year which shall contain an accurate description of said vouchers and bonds and the names and addresses of the persons who presented them.
2. On March 1 each year and within thirty (30) days thereafter redeem the said outstanding vouchers and bonds with the said interest money in the order in which they were issued both as to the particular special assessments and also as to the particular vouchers and bonds of said special assessments. In case the said fund shall be insufficient to pay all of the said outstanding vouchers and bonds in any one year, the names and addresses of the owners of the said unpaid vouchers or bonds shall be carried over into the succeeding years until they are paid. After the payment of all said delinquent vouchers and bonds, the balance of said interest shall be paid by the village treasurer for the payment of assessments on account of public benefits in the order in which said assessments were levied.

**SECTION TWO:** Section 1-5-5 of the Antioch Municipal Code is hereby repealed and the office of Comptroller is hereby abolished.

**SECTION THREE:** A new Section 1-8-10 of the Antioch Municipal Code is hereby added and it shall hereafter read as follows:

1-8-10 FISCAL POLICY MANUAL. There is hereby adopted by reference, as if fully set out herein, the "Village of Antioch Fiscal Policy Manual initially adopted by Resolution 15-67 on August 3, 2015 (hereinafter "manual").

- B. The village board, upon a 2/3 vote in favor of an amendatory ordinance, reserves the right, from time to time, to revise, add to, supplement or discontinue any of the policies, rules or requirements described in the manual.
- C. The Fiscal Policy Manual is intended to be the final statement of the intent of the village board on the matters set forth therein. Anything requiring a variance from the procedures and policies set forth in that manual must be brought before the board for specific approval in the form of a resolution.
- D. The mayor, village administrator and particularly the treasurer / chief financial officer shall be responsible for overseeing the enforcement of the policies contained within the manual, and for the direction of the activities of all employees involved in any aspect relative to the same. If an issue arises in the meaning and interpretation of a term within the manual, the question shall first be brought to the village administrator. If the administrator is comfortable with issuing an opinion, his or her interpretation of any provision of the manual shall be final. If he or she is not comfortable in any respect, the matter shall be referred to the village board for discussion and decision.

**SECTION FOUR:** Chapter 1-7 of the Antioch Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~)

### **1-7-1: COMPETITIVE BIDDING:**

~~A. Competitive Bidding Required: Any work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials and services shall, except as specifically provided herein, be based whenever possible on competitive bids.~~

~~B. Formal Contract Procedures<sup>1</sup>: All work or other public improvement that is not to be paid for in whole or in part by special assessments or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed ten thousand dollars (\$10,000.00), shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds ( $\frac{2}{3}$ ) of the village trustees then holding office. (1976 Code § 37.001)~~

Repealed. Please refer to the Fiscal Policy Manual adopted at Section 1-8-10 of this Code

### **1-7-2: GENERAL PROCEDURES:**

~~A. Advertisements For Bids: A notice inviting bids shall be published at least once in a newspaper with general circulation within the village. The village shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the village hall.~~

~~B. Scope Of Notice: The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and shall specify the time and place for opening bids.~~

~~C. Bid Deposits: When deemed necessary by the village board of trustees, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the village board. A successful bidder shall forfeit any bid deposit required by the village board upon failure on his part to enter into a contract within ten (10) days after the award.~~

~~Such bid deposit may be in the form of a certified check, bond or letter of credit in an amount as specified in the advertisement for bids to ensure finalization of the contract and to indemnify the village against all loss, damages and claims that may accrue against the village as a consequence of the granting of the contract.~~

~~D. Bid Opening Procedures:~~

~~1. Submission: Sealed bids shall be submitted sealed to the village and shall be identified as bids on the envelope.~~

- ~~2. Opening: Bids shall be opened in public at the time and place stated in the public notice.~~
- ~~3. Tabulation: A tabulation of all bids received shall be made by the village board or by a village employee, in which event a tabulation of the bids shall be furnished to the village board of trustees at its next regular meeting.~~
- ~~E. Rejection Of Bids: The village, through its corporate authorities, shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby. (1976 Code § 37.002)~~

~~Repealed. Please refer to the Fiscal Policy Manual adopted at Section 1-8-10 of this Code~~

### **1-7-3: BIDDERS IN DEFAULT TO VILLAGE:**

The village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other money due the village.

### **1-7-4: AWARD OF CONTRACTS:**

- ~~A. Authority In Village: The village board shall have the authority to award contracts within the purview of this section.~~
- ~~B. Lowest Responsible Bidder: Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interests of the village to accept. In awarding the contract, in addition to price, the village board shall consider:~~
- ~~1. The ability, capacity and skill of the bidder to perform the contract to provide the service required;~~
  - ~~2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;~~
  - ~~3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;~~
  - ~~4. The quality of the performance of previous contracts or services;~~
  - ~~5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;~~
  - ~~6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;~~
  - ~~7. The quality, availability of the supplies or contractual services to the particular use required;~~
  - ~~8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;~~
  - ~~9. The number and scope of conditions attached to the bid.~~
- ~~C. Performance Bonds: The village board shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect~~

~~the best interests of the village and to conform to the statutory requirements for such bonds.  
(1976 Code § 37.004)~~

Repealed. Please refer to the Fiscal Policy Manual adopted at Section 1-8-10 of this Code

### **1-7-5: OPEN MARKET PROCEDURES:**

~~All work and purchases of supplies, materials and services of less than the estimated value of ten thousand dollars (\$10,000.00) shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this chapter for the award of formal contracts in such a manner so as to ensure the best interests of the public after solicitation of bids on proposals by mail, telephone, facsimile transmission, email or otherwise. (1976 Code § 37.005; amd. 2003 Code)~~

Repealed. Please refer to the Fiscal Policy Manual adopted at Section 1-8-10 of this Code

### **1-7-6: EXEMPT SERVICES:**

- A. Professional Services: All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects, and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the village without observing the bidding procedures prescribed by this chapter or by the Fiscal Policy Manual adopted at Section 1-8-10 of this Code for the award of formal contracts.
  
- B. Employment Contracts: Regular employment contracts in the municipal service shall likewise be exempt from the provisions of this chapter or the provisions of the Fiscal Policy Manual adopted at Section 1-8-10 of this Code.

### **1-7-7: EMERGENCY PURCHASES:**

In case of an apparent emergency that requires immediate work or purchase of supplies, materials or services, the village board shall be empowered to secure, by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure. A finding of such an emergency shall be made in an affirmative vote of at least two-thirds ( $\frac{2}{3}$ ) of the village board at the time of such emergency contract or no later than the first regular village board meeting thereafter.

### **1-7-8: COOPERATIVE PURCHASING:**

The village shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the village would be served thereby.

**SECTION FIVE:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS,  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ATTEST:

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LAWRENCE M. HANSON, MAYOR

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LORI K. FOLBRICK, VILLAGE CLERK