

VILLAGE OF BARTLETT
VILLAGE HALL, 228 S. MAIN STREET
COMMITTEE AGENDA
April 2, 2024

1. CALL TO ORDER
2. ROLL CALL
3. TOWN HALL: (Note: Three (3) minute time limit per person)

4. STANDING COMMITTEE REPORTS:
 - A. LICENSE AND ORDINANCE COMMITTEE, CHAIRMAN HOPKINS
 1. Ordinance Amending the Bartlett Municipal Code Regarding Certain Village Officers

5. ADJOURN TO EXECUTIVE SESSION
 - A. To Discuss Appointment of Legal Counsel and Personnel Pursuant to Section 2(c)1 of the Open Meetings Act

6. ADJOURNMENT



Agenda Item Executive Summary

AGENDA ITEM: Licensing Coordinator Ordinance

BOARD OR COMMITTEE: Committee

BUDGET IMPACT

Amount \$ N/A Budgeted \$ N/A

Fund: N/A

EXECUTIVE SUMMARY

Many of the day-to-day functions that are delegated to the Village Clerk and the Deputy Clerk under the Village Code are performed by full-time village staff members. This draft ordinance would revise the Village Code to conform to current practices and eliminate the position of Deputy Clerk and create a new "Licensing Coordinator" office. This position would oversee and administer the issuance of all village licenses and assume the duties of the Village Clerk in the Village Clerk's absence. The ordinance also removes outdated and unused provisions.

ATTACHMENTS (PLEASE LIST)

Memo, Ordinance

RELATIONSHIP TO STRATEGIC PLAN GOAL

Strategic Plan Goal: N/A

Short Term (1-3 Years): Routine Complex

Long Term (3-5 Years): Routine Complex

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

Staff: Kurt Asprooth, Village Attorney

Date:

March 27, 2024



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MEMORANDUM

To: Paula Schumacher, Village Administrator
From: Kurt S. Asprooth, Village Attorney
Subject: Licensing Coordinator Ordinance
Date: March 26, 2024

Currently, the Village Code provides for the position of Village Clerk and for a Deputy Clerk who performs the duties of the Village Clerk in the Clerk's absence. The duties of the Village Clerk, and therefore those of the Deputy Clerk, are ministerial under both the Village Code and under the Illinois Municipal Code.

In practice, many of the day-to-day functions that are delegated to the Village Clerk and the Deputy Clerk under the Village Code are performed by full-time Village staff members. Specifically, the Village Code delegates much of the responsibility for reviewing and issuing Village licenses to the Village Clerk. Given the number of different licenses the Village issues, overseeing the licensing process is a significant task. As such, the review and issuance of Village licenses has generally been performed by full-time staff in the Administration Department.

We have prepared a draft Ordinance that would revise the Village Code to conform to current practices. The draft Ordinance would eliminate the position of Deputy Clerk and create a new "Licensing Coordinator" office. The Licensing Coordinator would be empowered to oversee and administer the issuance of all Village licenses. Licensing duties previously delegated to the Village Clerk would now be assigned to the Licensing Coordinator. Further, the Licensing Coordinator would assume the duties of the Deputy Clerk position and perform the functions of the Village Clerk in the Village Clerk's absence.

In addition to the creation of the Licensing Coordinator office and the elimination of the Deputy Clerk position, the draft Ordinance removes outdated and unused provisions providing the Village Clerk with vacation pay and requiring the Village Clerk to keep office hours.

ORDINANCE 2024 - _____

**AN ORDINANCE AMENDING THE BARTLETT MUNICIPAL CODE REGARDING
CERTAIN VILLAGE OFFICERS**

WHEREAS, the Village of Bartlett (“Village”) is a home rule unit of local government that may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the Village Clerk is a part-time position governed by Section 1-7-3 of the Bartlett Municipal Code (the “Village Code”) and the Illinois Municipal Code, and the Village Clerk is designated certain powers and duties including, but not limited to: affixing the Village’s corporate seal to a variety of documents; maintaining custody and control of certain documents and records; keeping an index of such documents and records; receiving money and turning over such funds to the Village Treasurer, and keeping an account of such funds; and

WHEREAS, the Village Code provides for the appointment of a Deputy Village Clerk to perform the duties of the Village Clerk in the Clerk’s absence, to execute documents required to be executed by the Village Clerk, and to affix the seal of the Village where required; and

WHEREAS, the Village Board finds that the office of Deputy Clerk consists of purely ministerial duties which can also be performed by a full-time Village Officer in a timely and effective manner; and

WHEREAS, the Village Board finds that there is a need to create a new full-time officer position to coordinate the issuance of Village licenses and to perform the duties of the Village Clerk on a full-time basis when the Village Clerk is not present; and

WHEREAS, the Village Board finds that consolidating the duties of the Deputy Clerk into a full-time position that will oversee the issuance of licenses and the performance of the daily ministerial duties of the Village Clerk will provide for more effective and efficient service to Village residents; and

WHEREAS, the Village Board finds that the consolidation of the Deputy Clerk duties into the office of the Licensing Coordinator is necessary for the Village to effectively and efficiently carry out its governmental functions.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, pursuant to its home rule authority, as follows:

SECTION ONE: Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION TWO: AMENDMENT TO TITLE 1, CHAPTER 7. That Title 1, Chapter 7 of the Bartlett Municipal Code is hereby amended as follows (deletions in ~~strikethrough~~, additions in **bold** and underline):

“1-7-3: GENERAL POWERS AND DUTIES:

The **part-time** duties of the village clerk shall **include the following**:

A. Signature: Seal and attest all contracts of the village and all licenses, permits and such other documents as shall require this formality.

B. Documents And Records:

1. Documents: Be the custodian of all documents belonging to the village, which are not assigned to the custody of some other officer.

2. Records: In addition to the record of ordinances and other records which the clerk is required by statute to keep, she shall keep a register of all licenses and permits issued, and the payments thereon; a record showing all of the officers of the village; and such other records as may be required by the board of trustees.

3. Indices: Keep and maintain a proper index to all documents and records kept by her, so that ready access thereto and use thereof may be had.

C. Village Seal: Be ~~a~~ the custodian of the village seal and shall affix its impression on documents whenever this is required.

D. Village Finances:

1. Money Collected: Turn over all money received by her on behalf of the village to the village treasurer promptly upon receipt of the same; and with such money she shall give a statement as to the source thereof.

2. Accounts: Keep accounts showing all money received by her and the source and disposition thereof; and such other accounts as may be required by statute or ordinance.

E. Additional Duties: In addition to the duties herein provided, the village clerk shall perform such other duties and functions as may be required by statute or ordinance.

~~1-7-4: OFFICE HOURS: The village clerk shall maintain office hours in the Bartlett Municipal Building between eight thirty o'clock (8:30) A.M. to four thirty o'clock (4:30) P.M. Monday through Friday, and between the hours of nine o'clock (9:00) A.M. and twelve o'clock (12:00) noon on Saturday, except on legal holidays and except as hereafter provided. During said office hours, the village clerk shall be readily available to assist members of the general public with respect to village business.~~

~~1-7-45: SALARY: The village clerk shall receive an annual salary as set out in subsection 1-8-6A of this title. In addition, the clerk shall receive an annual two (2) week vacation with pay.~~

~~1-7-6: DEPUTY CLERK:~~

~~A. There is hereby created the office of deputy clerk. The village clerk is authorized to appoint a deputy clerk who shall have the power and duty to execute all documents required by any law or ordinance to be executed by the clerk, and affix the seal of the village thereto whenever required.~~

~~B. When signing any documents, the deputy clerk shall sign the name of the village clerk followed by the word "by" and the deputy clerk's own name and the words "Deputy Clerk".~~

~~C. The powers and duties herein described shall be exercised by such deputy clerk only in the absence of the village clerk from her office in the village hall, and only when either written document has been given by the village clerk to exercise such power, or the village board has determined by resolution that the village clerk is temporarily or permanently incapacitated to perform such function. Such deputy clerk shall have the authority and power herein described, and such further power and authority as may be provided by statute.~~

SECTION THREE: AMENDMENT TO TITLE 1, CHAPTER 8. That Title 1, Chapter 8 of the Bartlett Municipal Code is hereby amended to add a new Article K as follows:

1-8K-1: OFFICE CREATED:

There is hereby created the office of Licensing Coordinator.

1-8K-2: APPOINTMENT:

The Licensing Coordinator shall be appointed by the Village President by and with the advice and consent of the Board of Trustees, to serve a term of one (1) year. Removal from office shall be in like manner and in accordance with applicable state law. The Licensing Coordinator may also hold a position as Village employee.

1-8K-3: COMPENSATION:

The Licensing Coordinator will receive such compensation in such amount and manner as the President and Board of Trustees shall fix from time to time.

1-8K-4: POWERS AND DUTIES:

The Licensing Coordinator will have the following powers and duties:

- A. Licenses: Oversee and administer the issuance of all licenses issued by the Village, including, but not limited to, those licenses provided for in Title 3 of this Code. The Licensing Coordinator will perform all of the duties assigned to the Village Clerk under Title 3 of this Code.
- B. Signature: Seal and attest all contracts of the Village and all licenses, permits and such other documents as shall require this formality.
- C. Village Seal: Be a custodian of the Village seal and affix its impression on documents whenever this is required.
- D. Additional Duties: the Licensing Coordinator shall also perform all duties listed under section 1-7-3 "Village Clerk Duties" to the same extent as if done by the village clerk personally in the village clerk's absence.
- E. When signing any documents, the Licensing Coordinator shall sign the name of the village clerk followed by the word "by" and the Licensing Coordinator's own name and the words, "Licensing Coordinator."

SECTION THREE: AMENDMENT TO TITLE 3, CHAPTER 1. That Title 3, Chapter 1 of the Bartlett Municipal Code is hereby amended as follows (deletions in strikethrough, additions in **bold** and underline):

"3-1-3: APPLICATIONS:

- A. Applications for all licenses required by this chapter shall be made to the **Licensing Coordinator** ~~village clerk or her designees~~ in writing on a form prepared by the village.

[...]

3-1-4: INVESTIGATION:

- A. Where this chapter requires or when it is deemed reasonably necessary or appropriate, an investigation or inspection by any department or official of the village before the issuance of a license, and requires the approval of such department or official regarding the property location or condition of the premises in which the commercial establishment or activity for which a license is applied is to be managed, conducted, operated, or carried on, or regarding the condition and nature of the equipment and methods intended to be used by the applicant in such activity or commercial establishment, the **Licensing Coordinator** ~~village clerk~~ shall transmit to the appropriate official or department such information necessary for the required investigation or inspection.
- B. If it shall appear to the **Licensing Coordinator** ~~village clerk~~ that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the applicant for the inclusion of such additional information as may be specified by the **Licensing Coordinator** ~~village clerk~~.
- C. The designated official or department in a reasonable time after receiving a copy of the application:
 - 1. Shall make all necessary investigations and inspections, and the results thereof shall be reported in writing to the **Licensing Coordinator** ~~village clerk~~; and
 - 2. Shall indicate on the application a recommendation for the approval or disapproval thereof.

3-1-5: APPROVAL; DISAPPROVAL:

- A. If, after due consideration of the information contained within the application and related investigative and inspections reports, the **Licensing Coordinator** ~~village clerk~~ determines that the applicant meets the standards set forth, the **Licensing Coordinator** ~~village clerk~~ shall approve the application. The **Licensing Coordinator** ~~village clerk~~ shall notify the applicant that the application has been approved and shall issue a license. All licenses shall be subject to the provisions of this code which may be in force at the time of the issuance thereof or which may subsequently be passed by the village board of trustees.

- B. If, after due consideration of the information contained within the application and related investigative and inspection reports, the **Licensing Coordinator** ~~village clerk~~ determines that matters concerning the application are unsatisfactory, the **Licensing Coordinator** ~~village clerk~~ shall disapprove the application, indicating the reasons therefor. Thereupon, the **Licensing Coordinator** ~~village clerk~~ shall notify the applicant that the application has not been approved and that no license will be issued and the license fee paid shall be refunded.

3-1-6: APPEAL OF DENIAL:

- A. Any person aggrieved by the decision of the **Licensing Coordinator** ~~village clerk~~ in regard to the denial of an application for a business license, as provided in this chapter, shall have the right to appeal to the village president. Such appeal shall be taken by filing with the **Licensing Coordinator** ~~village clerk~~ within five (5) days after notice of a denial of an application, a written statement under oath setting forth specifically the grounds for appeal. The village president shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in subsection 3-1-15D of this chapter. The decision of the village president on such appeal shall be final.
- B. The acceptance of the license, upon reversal by the village president, shall constitute a waiver of all claims against the village, the **Licensing Coordinator** ~~village clerk~~, or any other officer or employee, arising out of the original refusal to issue the license. The burden shall be upon the applicant to show wherein the **Licensing Coordinator** ~~village clerk~~ has failed to meet the standards set forth in this section.

3-1-7: LICENSE TERM; EXPIRATION; RENEWAL:

- A. All annual licenses shall commence on May 1 each year. No license shall be granted for a period longer than one year. Except where otherwise provided herein, every license shall expire on April 30 following the date of issuance. Applications received for new licenses between March 1 and April 30 of each year shall be issued licenses for the ensuing year.
- B. The **Licensing Coordinator** ~~village clerk~~ shall endeavor to notify each annual licensee of the expiration of time of the license held by the licensee at least twenty one (21) days prior to such expiration date; provided, that a failure to make such notification or the licensee's

failure to receive it, shall not relieve the licensee from the obligation to obtain a new license or renewal.

- C. Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

[...]

3-1-9: LICENSE TO BE POSTED:

- A. It shall be the duty of any person conducting a licensed commercial establishment or activity in the village to keep his license displayed at all times in a prominent place on the premises used for such commercial establishment or activity.
- B. No person shall destroy, obliterate, take, remove, or carry away without the consent of the owner any license, certificate, plate, or sticker which has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the **Licensing Coordinator** ~~village clerk~~ or his or her duly authorized representative from removing any license, certificate, plate, or sticker from the possession of a former licensee, the premises, any vehicle, or any machine when said license has been revoked under the provisions of this chapter.

SECTION FOUR: SEVERABILITY. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION FIVE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon passage and approval.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Kevin Wallace, Village President

ATTEST:

Lorna Giles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2024-_____enacted on April 2, 2024, and approved on April 2, 2024, as the same appears from the official records of the Village of Bartlett.

Lorna Giles, Village Clerk