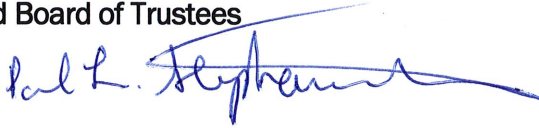




VILLAGE OF OAK PARK
LAW DEPARTMENT

MEMORANDUM

To: Honorable Mayor Anan Abu-Taleb and Board of Trustees
cc: Cara Pavlicek, Village Manager
From: Paul L. Stephanides, Village Attorney 
Date: April 3, 2017
Re: Village Manager Form of Government

INTRODUCTION

As part of the new Trustees orientation, this memorandum addresses the Village Manager form of government as adopted by the Village of Oak Park ("Village").

DISCUSSION

The Village adopted the Village Manager form of government in 1952 by referendum. The Village may only alter its form of government pursuant to a newly adopted public referendum. Ill. Const. 1970, art. VII, § 6(f); 65 ILCS 5/5-5-1; *Pechous v. Slawko*, 64 Ill.2d 576 (1976); *Flowers v. City of Moline*, 251 Ill.App.3d 348 (3rd Dist. 1993); *Dunne v. County of Cook*, 164 Ill.App.3d 929 (1st Dist. 1987).

The Board of Trustees appoints the Manager for an indefinite term and is the only position which the Board directly hires. 65 ILCS 5/5-3-7; Oak Park Village Code at Sec. 2-4-1. The Manager is responsible for the hiring and discharge of all other Village employees, with the exception of original appointments for the positions of firefighter/paramedic and police officer and the Deputy Clerk, pursuant to Section 2-4-3 of the Village Code as follows:

2-4-3: DIRECTION OF EMPLOYEES; AUTHORITY TO HIRE AND DISCHARGE:

The Village Manager shall hire and discharge all employees, other than those under tenure of office laws, authorized by the Board of Trustees to be hired, at such compensation as may be set or authorized by the Board. All employees shall perform their duties subject to the direction of the Village Manager or that of the superior to whom the Manager may assign such employees; provided, however, that the Manager may delegate to any other official or employee the authority to hire or discharge any employees so authorized.

The Entry Level Appointment Committee, comprised of the Board of Fire and Police Commissioners, the Human Resources Director and the Police Chief or Fire Chief as applicable,

is responsible for the original appointments of firefighters/paramedics and police officers. Oak Park Village Code at Sec. 2-29-2. In addition, the Board of Fire and Police Commissioners is responsible for promotion of firefighters/paramedics to the position of lieutenant and the promotion of police officers to sergeants. Oak Park Village Code at Sec. 2-28-1. The Village Clerk is authorized to appoint one Deputy Clerk pursuant to state statute and the Village Code. 65 ILCS 5/3.1-10-45; 65 ILCS 5/3.1-30-10; Oak Park Village Code at Sec. 2-10-9.

The Village Manger is responsible for the Village's day-to-day operations. State statute describes the Manager as "the administrative head of the municipal government" having the responsibility "for the efficient administration of all departments." 65 ILCS 5 ILCS /5-3-7. The Board of Trustees has no power with respect to administration. *Pechous v. Slawko*, 64 Ill.2d 576, 586 (1976). Consistent with this statute, the Village Code describes the Manager's duties as follows:

2-4-2: GENERAL DUTIES:

The Village Manager shall be the chief administrative officer of the Village and exercise all powers and duties assigned to him by statute and such other authority as may be granted by the Board of Trustees. The Manager shall be charged with the enforcement of all laws and ordinances within the municipality insofar as their enforcement is within the powers of the Village. The Manager shall attend all meetings of the Board of Trustees, shall keep the Board informed as to the affairs of the Village, and shall recommend to the Board such actions as may be necessary or expedient for the welfare of the Village.

* * * *

2-4-12: OFFICES AND DEPARTMENTS:

All appointive offices of the Village shall be filled by appointment by the Village Manager, except where otherwise provided by law; and the Manager shall report to the Board of Trustees all such appointments, and any removal from office made by him, as soon as possible after the appointment or removal. The Village Manager shall be responsible for determining the organizational structure of all administrative departments of the Village and their subdivisions, unless specified elsewhere in this code. Every administrative department of the Village shall be under supervision and control of the Manager, who shall have the power to remove from office any officer holding an office which is subject to being filled by appointment by the Manager. The Village Manager shall implement and utilize a performance management system to supervise, control, evaluate and report on the performance of all administrative departments.

State statute enumerates the following specific duties which mirror many of those cited above from the Village Code:

The powers and duties of the manager shall be:

- (1) To enforce the laws and ordinances within the municipality;
- (2) To appoint and remove all directors of departments. No appointment shall be made upon any basis other than that of merit and fitness except that if the chief of the fire department or the chief of the police department or both of them are appointed in the manner as provided by ordinance under Section 10-2.1-4 of this code, they may be removed or discharged by the appointing authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities;
- (3) To exercise control of all departments and divisions thereof created in this Article 5, or that may be created by the council or board of trustees;
- (4) If the city or village was subject to the aldermanic form provisions of Article 3 at the time of adoption of this Article 5 to appoint and remove all officers who are not required to be elected by Article 3;
- (5) To have all the powers and exercise all the duties granted elsewhere in this Code to municipal clerks and comptrollers with respect to the preparation of a report of estimated funds necessary to defray the expenses of the city or village for the fiscal year for the consideration of the corporate authorities prior to the preparation of the annual appropriation ordinance;
- (6) To attend all meetings of the council or board of trustees with the right to take part in the discussions, but with no right to vote;
- (7) To recommend to the council or board of trustees for adoption such measures as he may deem necessary or expedient;
- (8) To perform such other duties as may be prescribed by this Article 5 or may be required of him by ordinance or resolution of the board of trustees or council.

65 ILCS 5/5-3-7.

CONCLUSION

This memorandum is intended to provide an introduction into the Village Manager form of government. If you have specific questions, please do not hesitate to contact me.