

**ROLE OF THE
MUNICIPAL CLERK**

Illinois Municipal Code – 65 ILCS 5/1-1-1 et al.

Election or Appointment of Clerk; Vacancy	Section 3.1-25-90
Clerk; duties	Section 3.1-35-90
Deputy Clerk	
<i>Appointment of</i>	Section 3.1-30-10
<i>Duties</i>	Section 3.1-35-95
Clerk as Collector	Section 3.1-30-15
	Section 3.1-35-135
Collector	Section 3.1-35-120
Compensation	
<i>Establishment</i>	Section 3.1-50-5
<i>Fixing Salaries</i>	Section 3.1-50-10
<i>For corporate authorities</i>	Section 3.1-50-15
<i>For employees</i>	Section 3.1-50-20
Clerk as Collector; Dual Compensation	Section 3.1-50-25
Oaths/Bonds	Sections 4-4-1 & -2
Receipt and Processing of or Dissemination of Petitions and Referenda	Multiple Sections of Municipal Code

Sec. 3.1-25-90. Election or appointment of clerk; term; vacancy.

(a) Any village of fewer than 5,000 inhabitants may, by resolution adopted by not less than two-thirds of the village board, choose to have a clerk appointed by the village president with the concurrence of the village board. Otherwise, at the election for trustees in each village and incorporated town, whether incorporated under a general or special Act (other than a village that was incorporated under a special Act and that adopts Section 3.1-30-25), a clerk of the village or incorporated town shall be elected who shall hold office for a term of the same length of time as provided in this Article 3.1 for the mayor in a city, except that any such village or incorporated town that, before January 1, 1942, has adopted a 2 year term for village clerk shall continue to elect a village clerk for a term of 2 years. Whenever a vacancy in the office of a clerk elected under this Section occurs during the term, the vacancy shall be filled for the remainder of the term at the next general municipal election as provided by Section 3.1-10-50. During the period from the time the vacancy occurs until a clerk is elected as provided in this Section and has qualified, the vacancy may be filled by the appointment of an acting clerk by the president with the advice and consent of the trustees.

(b) In any village where the clerk is appointed as provided in this Section, the clerk may later be elected, but only after a referendum initiated and held as provided in this Section. The question of whether the village clerk shall be elected, rather than appointed, shall be submitted to the electors of the village upon the filing of a petition with the village clerk signed by electors equal in number to at least 10% of the highest number of votes cast for any candidate for village office at the last preceding municipal election. The question shall be certified by the village clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law. The question shall be in substantially the following form:

Shall the clerk in (name of village) be elected, rather than appointed?

If a majority of the electors in the village voting on the question vote in the affirmative, the village clerk shall thereafter be elected. If a majority of the electors voting on the question vote in the negative, the village clerk shall continue to be appointed.

Sec. 3.1-35-90. Clerk; duties.

(a) The municipal clerk shall keep the corporate seal, to be provided by the corporate authorities, and all papers belonging to the municipality the custody and control of which are not given to other officers. The clerk shall attend all meetings of the corporate authorities including executive sessions and keep a full record of their proceedings in the journal, except if the clerk is the subject matter of the meeting and his or her presence creates a conflict of interest. The record of those proceedings shall be made available for public inspection within 7 days after being approved or accepted by the corporate authorities as the official minutes of their proceedings.

(b) The municipal clerk shall have other duties prescribed by the corporate authorities.

(c) Copies of all papers duly filed in the clerk's office and transcripts from the journals and other records and files of the clerk's office, certified by the clerk under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

Sec. 3.1-30-10. Deputy clerk.

(a) In municipalities with a population of 500,000 or more, the municipal clerk may appoint the number of deputy clerks necessary to discharge the functions and duties of the office of municipal clerk.

(b) In municipalities of less than 500,000, the municipal clerk, **when authorized by the corporate authorities**, may appoint the number of deputy clerks necessary to discharge the functions and duties of the office of municipal clerk, who need not be a resident of the municipality. The corporate authorities of the municipality may limit the number of deputy clerks that the municipal clerk may appoint. **(Emphasis added)**

Sec. 3.1-35-95. Deputy clerks.

(a) A deputy clerk may execute all documents required by law to be executed by the municipal clerk and may affix the seal of the clerk wherever required. In signing any document, a deputy clerk shall sign the name of the clerk followed with the word "By" and the deputy clerk's own name and the words "Deputy Clerk".

(b) Except in municipalities with a population of 500,000 or more, the powers and duties of a deputy clerk shall be exercised only in the absence of the clerk from the place where the clerk's office is maintained, and only when either written direction has been given by the clerk to that deputy to exercise a power or the corporate authorities have determined by resolution that the municipal clerk is temporarily or permanently incapacitated to perform that function. In municipalities with a population of 500,000 or more, the powers and duties of a deputy clerk shall be exercised upon the direction of the clerk, or when the corporate authorities have determined by resolution that the clerk is temporarily or permanently incapacitated to perform those functions and duties. When a deputy's signature is duly authorized as provided in this Section and is affixed by a deputy in the manner prescribed in this Section on any document (including but not limited to contracts, bonds, or other obligations of the municipality), the document shall have the same effect as if the document had been signed by the municipal clerk in person.

Section 3.1-30-15. Clerk as collector.

If, in any municipality, a collector is appointed, the corporate authorities may provide by ordinance that the clerk shall hold the office of collector.

Section 3.1-35-135. Clerk as collector.

In any municipality having a population of less than 1,000,000 in which the corporate authorities have provided for the appointment of a collector, the corporate authorities may provide by ordinance that the clerk shall hold the office of collector.

Sec. 3.1-35-120. Collector; duties.

A city collector, if one is elected or appointed, shall preserve all warrants returned to the collector and shall keep books and accounts in the manner prescribed by the corporate authorities. All of the collector's warrants, books, and vouchers, and all papers pertaining to the office, may be examined at any time by the mayor, city clerk, or any member or committee of the corporate authorities. Weekly, and oftener if required by the corporate authorities, the collector shall pay over to the treasurer all

money collected by the collector from any source, taking the treasurer's receipt in duplicate and filing one of the receipts immediately with the clerk. At that time, or on demand, the clerk shall give the collector a copy of any receipt so filed.

Sec. 3.1-50-5. **Compensation.** Establishment. All municipal officers, except as otherwise provided, shall receive the salary or other compensation that is fixed by ordinance. Salaries or other compensation shall not be increased or diminished so as to take effect during the term of any officer holding an elective office. The salaries, fees, or other compensation of any appointed municipal officer, not including those appointed to fill vacancies in elective offices, may be increased but not diminished so as to take effect during the term for which the officer was appointed.

Sec. 3.1-50-10. **Fixing salaries.** The corporate authorities of a municipality may fix the salaries of all municipal officers and employees in the annual appropriation or budget ordinance. They may fix the salary of all officers who hold elective office for a definite term in an ordinance other than the appropriation or budget ordinance. The salaries that are fixed in the annual appropriation ordinance shall neither be increased nor diminished during the fiscal year for which the appropriation is made. The salaries that are fixed by ordinance for those officers who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least 180 days before the beginning of the terms of the officers whose compensation is to be fixed.

Sec. 3.1-50-20. **Compensation of employees.** The compensation of employees shall be determined by the corporate authorities.

Sec. 3.1-50-25. **Clerk serving as collector.** In municipalities where the same person holds the elective office of municipal clerk and the appointive office of municipal collector, the corporate authorities may provide by ordinance for that person to receive the compensation provided for each of these offices.

Sec. 4-4-1. **Oath or affirmation.** Before entering upon the duties of their respective offices, all officers elected or appointed under this Article shall take and subscribe the oath or affirmation prescribed by the Illinois Constitution. This oath or affirmation, when subscribed, shall be filed with the municipal clerk.

Sec. 4-4-2. **Bond of officers.**

a) Before entering upon the duties of their respective offices, the mayor, each commissioner, municipal clerk, municipal treasurer, and other officers and employees designated by the council by ordinance shall execute bonds with good and sufficient security to be approved by the council, payable to the municipality in the penal sums directed by ordinances, conditioned for the faithful performance of the duties of the office and the payment of all money received by the officer, according to law and the municipal ordinances.

(b) The bonds of the mayor and commissioners, however, shall not be fixed at less than \$3,000.

(c) The bonds of all municipal officers except the municipal clerk shall be filed with, recorded, and preserved by the municipal clerk. The bond of the municipal clerk shall be filed with, recorded, and preserved by the municipal treasurer. The treasurer's bond shall be in an amount of dollars that is not less than the greater of \$50,000 or 3 times the latest Federal census population or any subsequent census figure used for Motor Fuel Tax purposes.

STATUTORY REFERENCES

MUNICIPAL CLERK

Administering Oaths of Office	65 ILCS 5/3.1-15-20
Appointment of Officers in All Municipalities	65 ILCS 5/3.1-30-5
Appointment in villages of fewer than 5,000	65 ILCS 5/3.1-25-90
Appointment of subordinates	65 ILCS 5/3.1-10-45
Appointment of Deputy Clerk	65 ILCS 5/3.1-30-10
Clerk as Collector	65 ILCS 5/3.1-30-15
	and 65 ILCS 5/3.1-35-135
Collector Duties	65 ILCS 5/3.1-35-120
	and 65 ILCS 5/3.1-35-125
	and 65 ILCS 5/3.1-35-130
Clerk's Salary as Collector	65 ILCS 5/3.1-50-24
Clerk Duties if no Comptroller	65 ILCS 5/3.1-35-110
	and 65 ILCS 5/3.1-35-115
Deputy Clerk	65 ILCS 5/3.1-35-95
Duties of Clerk	65 ILCS 5/3.1-35-90
Attendance at Meetings (including Closed Sessions)	
Custodian of Corporate Seal	
Custodian of Records	
Record Minutes of Proceedings in a Journal	
Election - same time as Mayor	65 ILCS 5/3.1-20-5
Keeper of Ordinance Books	65 ILCS 5/1-2-5
Keeper of Regulations adopted by reference in Ordinances	65 ILCS 5/1-3-2
Qualifications	
Elective Office	65 ILCS 5/3.1-10-5
Appointive Office	65 ILCS 5/3.1-10-6

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STATUTORY REFERENCES

MISCELLANEOUS STATUTES

Adjustment of Accounts	65 ILCS 5/3.1-55-20
Annual Appropriation Ordinance	65 ILCS 5/8-2-9
Budget (when adopted)	65 ILCS 5/8-2-9.1
Certification - Re-Election to fill vacancy	65 ILCS 5/3.1-10-50
Closed Sessions	
Clerk in attendance	65 ILCS 5/3.1-35-90
Exceptions	5 ILCS 120/2
Minutes to be Kept	5 ILCS 120/2.06
Semi-Annual Review of Minutes	5 ILCS 120/2.06
Verbatim Record Tapes	5 ILCS 120/2.06
Election Code	10 ILCS 5
Election, Vacancy	65 ILCS 5/3.1-20-5
	and 65 ILCS 5/3.1-10-50
Examination of Books of Collector	65 ILCS 5/3.1-35-120
Filing Official's Books	65 ILCS 5/3.1-10-30
Fraudulent Sales Act (Going Out of Business Licenses)	815 ILCS 350/0.01
Freedom of Information Act	5 ILCS 140
FOIA Officer/Training	5 ILCS 140/3.5
Local Records Act	50 ILCS 205
Minutes of Proceedings to be Kept	5 ILCS 120/2.06
Municipal Clerk Training Institute Established	65 ILCS 50/1
Open Meetings Act	5 ILCS 120
Appointment of OMA Designee Training	5 ILCS 120/1.05
Ordinances Recorded in Book	65 ILCS 5/1-2-5
Record of Bonds (if no Comptroller)	65 ILCS 5/3.1-35-110
Supervision Over All Officers charged with receipt, collection or distribution of revenue (if no Comptroller)	65 ILCS 5/3.1-35-115
Tax Levy - Truth in Taxation	35 ILCS 200
Deadline for Tax Levy Ordinance Approval	65 ILCS 5/8-3-1
Uniform Facsimile Signature of Public Officials Act	30 ILCS 320/2

Vacancy

65 ILCS 5/3.1-20-5

Warrants

65 ILCS 5/8-1-8

<u>Corporate Authority/Support</u>	<u>Elections</u>	<u>Citizen</u>	<u>Collector/Finance/Treasurer</u>
Open Meetings	Local Elected Official	FOIA	Budgets
Meeting Administration	Nomination Papers	Customer Service	Tax Levy
Hearings	Filing	Link to Government Codes	Abatements
Notices	Certify Ballot	Festivals	Accounting
Agendas	Canvassing Board	Vital Statistics	Receivable
Minutes	Voter Registration	<i>Birth</i>	<i>Payable</i>
Municipal Calendar	Deputy Registrar	<i>Death</i>	Revenue
Executing Documents	Simultaneous Lottery	<i>Marriage</i>	Bonding
<i>Adopting</i>		Ethics Officer	Taxation, Levy & Reporting
<i>Publishing</i>	<u>Human Resources</u>	Information	TIF's/Special Service Areas
<i>Certifying</i>	Personnel	<i>Dissemination</i>	Utility Billing
<i>Filing w/Gov. Units</i>	<i>Applications</i>	Cemetery	<i>Water/Sewer</i>
<i>Indexing/Cross-referencing</i>	<i>1-9 Reporting</i>	Media	<i>Electric</i>
Boards/Commissions/Committees	<i>Payroll, W-2's</i>	Passports	<i>Cable</i>
Annexations	<i>Pensions</i>	City Commission Volunteerism	Gas
Zoning	<i>EEO</i>	Research	Special Assessments
Code Amendments	HealthCare	Parks & Recreation	Publish Statement of
<i>Proving Code Applicability (Date)</i>	<i>HIPAA</i>		Expenditures/Receipts
Economic Development	Risk Management	<u>Records Management</u>	Bid Advertising & Bid Openings
Research	OSHA	Time Lines	Lottery
Statement of Economic Interest	IMRF Agent	Local Records Act	Payroll
Facsimile Signature	Insurance	Indexing	Purchasing
Oaths	ID Cards	Preservation	Hold Letter of Credit
<i>Administering</i>		Disaster Plan	
<i>Filing</i>	<u>Township</u>	Holds & Files all Village Vh. Titles	
Parliamentarian	Meeting Admin.		
Court Testimony	Budgets	<u>Licensing</u>	
<i>Accept Filings</i>	Levy	Business	
<i>Answer Subpoenas</i>	Open Meetings	Liquor	
Traffic Regulations	FOIA	Amusement	
Parking Administrator	Qualifying Candidates (in some instances)	Fraud. Sales (out of bus.)	
File Bonds	<u>Fire Pension</u>	Scavenger	
Ethics Officer	Meeting Admin.	Vehicle Sticker	
	Pensioner's Files	Hunting & Fishing Licenses	
	Figuring	Solicitors	
	Open Meetings	<i>On Street/Off Street</i>	
	FOIA	<i>Door-to-door</i>	
		Lottery/Raffle	

ADDITIONAL DUTIES THE CLERK'S OFFICE MAY HANDLE

Additional Duties Clerk may handle
ANYTHING TO EVERYTHING!

Professional Skills & Traits of the Clerk

Leader, Manager Supervisor, Ethical, Confidential, Trustworthy,
Benefits Problem Solver, Decisive, Finds Solutions, Accurate,
Knowledgeable, Analytical, Self-Starter, Goal-Setter, Proactive,
Cooperative, Innovator, Visionary, Creative, Loyal, Dependable,
Reliable, Team Player, Impartial, Recognized Expert

Municipal Clerks Acronym Guidelines

Ancel Glink – law firm which specializes in government law; represents MCI as an organization

IIMC – International Institute of Municipal Clerks

This is the professional organization which establishes training and educational guidelines for municipal clerks in North America and fifteen other countries; professional certifications for Clerks which are earned come from IIMC (except for RMC – see below). Visit www.iimc.com for additional details, for membership forms, for certification requirements, and for details on available online training opportunities.

MCI – Municipal Clerks of Illinois – State of Illinois’ professional Municipal Clerks Organization

CMC – Certified Municipal Clerk certification – this is the first of two national Clerk certifications awarded by IIMC

RMC – Registered Municipal Clerk certification – state certification awarded by MCI; this is completely separate from CMC and MMC certifications.

MMC – Master Municipal Clerk certification – second and final national Clerk certification awarded by IIMC

ILCS – Illinois Compiled Statutes

FOIA – Freedom of Information Act; one of the “Sunshine” laws – ensures open access to records

OMA - Open Meetings Act; another “Sunshine” law – ensures public information regarding the actions of elected officials and public employees

LRA – Local Records Act; 50 ILCS 205/1 et seq.

PAC – Public Access Counselor

Appointed by the Attorney General, the PAC and staff review complaints filed against public bodies regarding suspected FOIA or OMA violations. Non-binding and Binding Opinions are useful to consider how to address OMA and FOIA questions. Opinions are sometimes overturned by the courts.

Definitions/Glossary

Corporate authorities means (a) the mayor and aldermen or similar body when the reference is to cities, (b) the president and trustees or similar body when the reference is to villages or incorporated towns, and (c) the council when the reference is to municipalities under the commission form of municipal government.

"City council", "aldermen", "commissioners", or "mayor" - these words apply to the board of trustees, trustees, and president, respectively, of villages and incorporated towns and councilmen in cities

Established Political Party - a political party which at the last election received more than 5% of the entire vote cast in the district or political subdivision.

Local Election Authority– in most cases the county clerk

Local Election Official – park district secretary, library district secretary, school district clerks, municipal clerks, clerks of other various districts

Omnibus Vote or Consent Agenda – passage of two or more ordinances, resolutions, or motions in a single group under the designation of “omnibus vote” or “consent agenda”; generally used for noncontroversial or routine matters.

Publication/Publish - “publication” means printing or otherwise reproducing copies of them in a manner so as to make their contents easily accessible to the public.

Redaction – separate/conceal exempt information from the nonexempt information contained in records. Redaction can be completed manually or electronically.

Referendum – a question, proposition, or measure regarding matters other than nomination of political candidates submitted to the voters at an election.