

AN ORDINANCE AMENDING THE ORLAND PARK VILLAGE CODE TITLE 1 BY
CREATING A NEW CHAPTER 17 (SIGNING AUTHORITY)

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WHEREAS, the corporate authorities of the Village of Orland Park deem it in the best interests of the Village and its residents to amend the Orland Park Village Code with regard to the signing authority of employees in the execution of certain documents

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

SECTION 1

That Title 1 of Orland Park Village Code shall be and hereby is amended to add the following in its entirety:

“CHAPTER 17 SIGNING AUTHORITY

1-17-1. Purpose.

This chapter sets forth authorized employees of the Village of Orland Park and authority levels of those employees to act on behalf of the Village of Orland Park in the execution of certain documents. The Village is committed to effective, efficient and transparent management of Village business and processes. Only Village officers and employees with appropriate approval authority and accountability shall approve financial transactions and sign legally binding documents to ensure responsible stewardship of Village’s resources.

1-17-2. Applicability.

The provisions of this chapter apply to the execution of documents by authorized Village employees that are not otherwise provided for by Village Code or ordinances or resolutions approved by the Village Board. In order for agreements which require expenditures to be executed, expenditures must be included in the approved budget or the agreement includes language, as approved by the Village Attorney, to allow for termination of the agreement if the Village Board does not appropriate the funds necessary to continue the agreement.

1-17-3. Authorized Signatures.

A. Agreements, Contracts, Amendments or Change Orders for goods, maintenance or services

The Village Manager is authorized to execute those agreements, contracts, amendments or change orders where the total annual commitment does not exceed \$25,000, or the agreement, contract, amendment or change order falls within the contingency amount approved by the Village Board.

B. Agreements, Contracts, Amendments or Change Orders where the Village is providing goods, maintenance or services

The Village Manager is authorized to enter into and execute those agreements, contracts, amendments or change orders permitting the Village to provide goods, maintenance or services to a public or private entity where the annual commitment by the Village does not exceed \$25,000 per fiscal year.

C. Claims and Settlements

The Village Manager is authorized to settle, approve or reject claims or litigation in an amount not to exceed \$25,000.

D. Agreements, Contracts, Amendments or Change Orders where the Village is Landlord/Tenant, Licensee/Licensor or Facility User

The Village Manager is authorized to negotiate enter into and execute those agreements, contracts, amendments or change orders with public or private entities where the Village is Landlord/Tenant, Licensee/Licensor or for temporary use of a facility by the Village where the total annual commitment does not exceed \$25,000.

E. Acquisition of or disposition of Real Property on the Village's Behalf

(1) For purposes of this section, the following definitions shall apply:

(a) **Acquisition** means the purchase, lease or license Real Property by the Village for the Village's use or acceptance by the Village of a Real Property by dedication or gift.

(b) **Disposition** means the sale, lease, vacation, release, or license of some or all of the Village's interest in Public Property to another.

(c) **Public Property** means Real Property that is titled in the name of the Village or Village created boards or commissions; Real Property where the Village or a Village created board or commission is the grantee, devisee, or beneficiary; Real Property which was dedicated to the public use, whether generally or for a specific purpose, including, but not limited to, property within the Village or within 1.5 miles of the Village limits; easements where the Village is grantee; Real Property leased by the Village as a lessee; Real Property physically occupied by the Village or by Village operations; and real property possessed or utilized by the Village under a claim of right.

(d) **Real Property** means any interest in real estate, whether the interest has been acquired by purchase, lease, license, common law or statutory dedication, gift, or possession.

(2) Authority to negotiate and Execute Documents for Acquisition and Disposition. The Village Manager may be authorized to execute agreements, deeds, easements or other documents necessary to consummate the acquisition or disposition of real property when the total acquisition or disposition of real property does not exceed \$25,000 or when authorized by resolution of the Village Board. Prior to any acquisition or disposition of

real property, the Village Attorney shall approve the form of the documents utilized in the transaction.

(3) Standards for Acquisition. The following are procedures and standards for acquisition of property:

(a) Acquisition Plan. Village staff should, prior to the formal initiation of negotiations, develop a written acquisition plan. The plan should include the following elements:

(b) Goal. Staff should explain specifically how acquiring the property will assist in accomplishing a Village Board goal or Board adopted plan.

(c) Costs of Acquisition. Staff should develop a reasonably accurate estimate of the costs of acquisition including: (a) Purchase price, (b) Expenses of purchase e.g. appraisals, title insurance or search, environmental assessment, assumed or forgiven taxes, and assumed or forgiven Village liens, (c) Post-closing expenses, and (d) Source of Revenues for Acquisition and Maintenance.

(4) Purchase Price. The Village's policy is to acquire the property at the lowest cost to the Village. Below market purchase price or an owner's desire to donate the property should be a factor in considering the purchase of real property. However, below market price or donation should not be a determining factor deciding whether or not the Village acquires property.

F. Credit Applications

- (1) Credit applications often contain agreement language. The Director of Finance or designee is authorized to sign credit applications after Village Attorney review of the credit application for such purchases as are authorized by Code or Ordinance or Resolution of the Village Board.

G. Motor Vehicle Paperwork

- (1) When authorized by the Village Board through a surplus designation or purchase approval, the Director of Finance or designee is authorized to sign Motor Vehicle documentations authorizing the purchase or sale of a Motor Vehicle on behalf of the Village of Orland Park.

H. Grant Applications

- (1) Due to the time sensitive nature of Grant applications, the Village Manager may execute Grant application paperwork for grants that do not bind the Village monetarily for more than \$25,000 annually.

I. Lien / Lien Release

- (1) The Director of Finance is authorized to execute and record liens in accordance with provisions in the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq. Once a lien is

recorded, with Village Board approval, the Village can also bring a lawsuit to foreclose the lien. The Finance Director is also authorized to execute lien releases once the indebtedness has been satisfied in its entirety or in accordance with the provisions of Title 1, Chapter 18 Delinquent Accounts. Recording of the lien release is the responsibility of the property owner to whom the lien has been released.

J. Uncollectable Receivables

- (1) The Director of Finance is authorized to modify, cancel, and write-off uncollectible receivables in accordance with the provisions of Title 1, Chapter 18, Delinquent Accounts.

K. Standard Pre-Litigation and Litigation Procedural Documents

- (1) The Village Attorney or Village's Special Counsel or his/her designee is authorized to sign standard pre-litigation and litigation procedural documents, such as continuances, tolling agreements, conflict waivers and joint defense agreements, where such documents do not result in a final settlement of the underlying litigation.

L. Agreements Approved by the Village Board

Village officers and employees designated by the Village Board to sign agreements by resolution or minute order, are authorized to execute such documents.

M. Utility Relocation Agreements up to \$25,000

The Village Manager is authorized to sign utility relocation contracts up to \$25,000. This authority is necessary for projects that require an immediate response (signed contract) in order to remain within the utility construction schedule.

N. Regulatory Reporting

- (1) The Village Manager is authorized to delegate signature authority to a designee for regulatory reporting.

O. Letters of Support or Opposition

- (1) The Village Manager; or Department Directors, with the approval of the Village Manager, are authorized to sign letters of support or opposition of an organization, governmental entity or legislation when the organization or legislation relates to:
 - (a) A position taken by the Illinois Municipal League on a matter, unless the Village Board has taken a contrary position.
 - (b) Legislation regarding projects approved by Village Board.
 - (c) Items routine in nature, experienced in the normal course of conducting business of the Village.
 - (d) A previously approved Village Board position.

- (2) The Village Attorney, in consultation with the Village Manager, is authorized to sign legal briefs and/or letters related to:
 - (a) Legislation supporting a position taken by the Illinois Municipal League on a matter, unless the Village Board has taken a contrary position.
 - (b) Legislation regarding projects approved by Village Board.
 - (c) Requesting an Attorney General's Opinion, judicial proceeding or judicial opinion, when in his or her professional opinion the letter is in the best legal interests of the Village of Orland Park.
- (3) Letters of support or opposition signed in accordance with the provisions of this section require a copy to be submitted to the Village President and Village Board.

P. Software Terms and Conditions

- (1) The Village Manager or a Department Director, with the approval of the Village Manager is authorized to negotiate and sign agreements for the installation, use, support or maintenance of software, provided that such agreements have been approved by the Village Board or are within the spending authority of the Village Manager as outlined in this Chapter.

Q. Authorized Village Officials and Employees Regarding Bills, Banking, Trust and Investment Accounts

This policy sets forth authorized Village officials and employees to act on behalf of the Village of Orland Park and authorized signatures with regard to bills, Village banking, trust and investment accounts to establish accounts, withdraw, transfer or deposit funds for the purpose of investment and to cover financial commitments of the Village.

(1) Operating Accounts

- (a) The operating account is used for reimbursements, transfers, employee compensation, benefits and payments to vendors, contractors, government agencies, financial institutions and others who provide supplies, services and/or equipment to the Village. Any two of the following Village officials, or Village staff members or their successors shall be authorized to sign checks, or other instruments for the withdrawal of moneys in the operating account: Village President, Village Clerk, Village Manager, and Director of Finance.
- (b) Any one of the Village officials or Village staff members listed above may transfer funds from the operating account to another Village account for the purpose of investing. When authorized by one of the Village officials or Village staff members listed above, a transfer may be processed by the following Village staff members: Assistant Director of Finance, or Village Accountant.

(2) Investment/Trust Accounts

- (a) Investment accounts cover all funds and investment activities under the direction of the Village Board and are invested in accordance with the Village of Orland Park Investment Policy. The investments of bond proceeds are further restricted by the provisions of relevant bond documents. The Investment Policy delegates management responsibility for the investment program to the Finance Director. In the absence of the Finance Director, the Village Manager shall be authorized to manage investments.
- (b) A transfer of funds from an investment/trust account to another Village account for the purpose of investing or funding the operating account, when authorized by one of the Village officials, or employees listed above may be processed by the following: Assistant Director of Finance, or Accountant.

R. Pass-through Contracts

Pass-Through Contracts are contracts that are entered into by the Village, where Village obligations for payment pursuant to such contracts are paid entirely by other entities or persons. Except as may be required pursuant to the provisions of 65 ILCS 5/8-9-1, the Village Manager, or his/her designee, may award and execute all Pass-Through contracts, regardless of price, for supplies, equipment, services or construction which are funded entirely by non-Village entities or persons without the expenditure of Village funds or commitment to future Village funds, provided that prior to the execution of the a commitment for payment from the funding source is obtained through a funding agreement or a deposit and reimbursement agreement.

1-17-4. **Bills List**

- (a) The Bills List is an order by which the Village Board authorizes the bank or other depository of Village funds to pay a particular sum of money. If funds are available for the payment of an approved bill, a check or electronic transfer is created directing the bank or depository of the Village funds to pay the funds to the payee.
- (b) Checks or electronic transfers will be distributed in accordance with applicable Village policies. Checks will not be distributed until two of the following Village officials or staff members have approved them: Village Manager, Village President, Director of Finance, and Assistant Director of Finance. Checks issued in amounts exceeding \$25,000 will not be distributed until Village Board approval and then with the approval of two of the Village officials or staff members listed in this subparagraph.
- (c) Exceptions to this requirement include payments for the following items: 1. Utilities, and Debt Service Trustee Payments. Personnel Benefits are included on the Bills List following distribution of payments, and 2. Accounts payables to be paid in advance of Village Board meetings whenever lawful Emergency Proclamations and Executive Orders are issued by the Village President, the President of the Cook County Board of Commissioners, the Governor of the State of Illinois and/or the President of the United

States. All accounts payables paid in advance of a Village Board meeting shall be ratified at the next available Village Board meeting.

SECTION 2:

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

SECTION 3:

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

SECTION 4:

The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.