

## **EXHIBIT "A"**

### **CHAPTER I**

#### **ADMINISTRATION**

##### **ARTICLE I - GENERAL CODE PROVISIONS**

###### **DIVISION I - TITLE**

**1-1-1**        **TITLE.** Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the Official City Code. The "**Revised Code of Ordinances**" shall be known and cited as the "**City Code**", and it is hereby published by authority of the City Council and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the City Attorney, acting for said City Council. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading, and to the general penalty clause relating thereto, as well as to the section itself when reference is made to this City Code by title in any legal document. **(See 65 ILCS Sec. 5/1-2-3)**

**1-1-2**        **ACCEPTANCE.** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8. (See 65 ILCS Sec. 5/1-2-6)**

**1-1-3**        **AMENDMENTS.** Any ordinance amending this City Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be semiannually forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code on a semiannual basis. **(See 65 ILCS Sec. 5/1-3-5)**

**1-1-4**        **CODE ALTERATION.** It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted.

**[NOTE: The City of Du Quoin is a home-rule municipality by virtue of a referendum.]**

Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of the City Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk when directed to do so by order of the City Council.

**1-1-5      JURISDICTION.** Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the City. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the City to regulate such particular acts outside the corporate limits.

**1-1-6 - 1-1-7      RESERVED.**

## **DIVISION II - SAVING CLAUSE**

**1-1-8      REPEAL OF GENERAL ORDINANCES.** All general ordinances of the City passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal [**subject to the saving clauses contained in the following section**], from which are excluded the following ordinances which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the City; and all Special Ordinances.

**1-1-9**        **PUBLIC UTILITY ORDINANCES.** No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code, or by virtue of the preceding section, excepting as this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**1-1-10**       **COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

**1-1-11**       **SEVERABILITY OF PROVISIONS.** Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

**1-1-12**     **CITY CLERK'S CERTIFICATE.**    The City Clerk's Certificate shall be in the following form:

**CITY CLERK'S CERTIFICATE**

<b>STATE OF ILLINOIS</b>	)		
<b>COUNTY OF PERRY</b>	)	<b>ss.</b>	<b>CITY CLERK'S OFFICE</b>
<b>CITY OF DUQUOIN</b>	)		

I, Blaine Bastien, City Clerk of the **City of DuQuoin, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the City of DuQuoin, Illinois of 2008**, published by authority of the City Council were duly passed by the City Council of the **City of DuQuoin, Illinois**, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office, as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **City of DuQuoin, Illinois**, this 8<sup>th</sup> day of June, 2009.

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**BLAINE BASTIEN  
CITY CLERK  
CITY OF DUQUOIN**

**1-1-13 - 1-1-14**    **RESERVED.**

## **DIVISION III - DEFINITIONS**

**1-1-15 CONSTRUCTION OF WORDS.** Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

**1-1-16 DEFINITIONS.** Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

**"AGENT"** as used in this Code shall mean a person acting on behalf of another.

**"CITY"** shall mean the City of DuQuoin, Illinois.

**"CODE" OR "THIS CODE"** shall mean the **"Revised Code of Ordinances of the City of DuQuoin, Illinois"**.

**"COUNCIL"** unless otherwise indicated shall mean the Mayor and Commissioners of this City. **(See 65 ILCS Sec. 5/4-3-3)**

**"COUNTY"** shall mean the **County of Perry**.

**"EMPLOYEES"** shall mean the following: Whenever reference is in this Code to a City employee by title only, this shall be construed as though followed by the words **"of the City"**.

**"FEE"** as used in this Code shall mean a sum of money charged by the City for carrying on of a business, profession or occupation.

**"FISCAL YEAR."** The "fiscal year" for the City shall begin on **January 1<sup>st</sup> of each year and end on December 31<sup>st</sup> of the same year. (65 ILCS Sec. 5/1-1-2[5])**

**"KNOWINGLY"** imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

**"LICENSE"** as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

**"MISDEMEANOR"** shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

**"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY"** import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

**"NUISANCE"** shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

**"OCCUPANT"** as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**"OFFENSE"** shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

**"OFFICERS AND EMPLOYEES"**. Whenever reference is made in this Code to a City Officer or employee by title only, this shall be construed as though followed by the words **"of the City"** and shall be taken to mean the officer or employee of this City having the title mentioned or performing the duties indicated.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the City Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

**"OFFICIAL TIME"**. Central Standard Time shall be the official time for the transaction of City business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced **one (1) hour**. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the City shall be set and run at the official time prescribed by this paragraph.

**"OPERATOR"** as used in this Code shall mean the person who is in charge of any operation, business or profession.

**"OWNER"** as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

**"PERSON"** shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

**"PERSONAL PROPERTY"** shall mean and include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**"RETAILER"** as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

**"STATE" OR "THIS STATE"** shall mean the "**State of Illinois**" unless otherwise indicated.

**"STREET"** shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

**"TENANT"** as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**"WHOLESALE" AND "WHOLESALE DEALER"** as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

**"WILLFULLY"** when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

**"WRITTEN" AND "IN WRITING"** may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. **(See 65 ILCS Sec. 5/1-1-2)**

**1-1-17 CATCHLINES.** The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

**1-1-18 - 1-1-19 RESERVED.**



## **DIVISION IV - GENERAL PENALTY**

### **1-1-20      PENALTY.**

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00)** for any one (1) offense. Any person convicted of a second offense for a similar code violation during the same calendar year shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **One Thousand Dollars (\$1,000.00)** for each offense.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00)** for any one (1) offense, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois.**

(C) Whoever commits an offense against the City or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another, would be an offense against the City, is punishable as a principal.

(E) All municipal ordinance offenses may be satisfied without a court appearance by a written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated.

(F) A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as but not limited to the picking up of litter in parks or along public highways or the maintenance of public facilities. **(See 65 ILCS Sec. 5/1-2-1)**

### **1-1-21      APPLICATION.**

(A) The penalty provided in this Chapter shall be applicable to every section of this City Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code, and there shall be no

fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

**1-1-22**      **LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

## ARTICLE II - COMMISSIONERS

### DIVISION I - GENERALLY

**1-2-1**      **COMPOSITION AND GENERAL POWERS.** The City Council shall consist of the Mayor and **four (4)** Commissioners, elected at large, in conformity with this Code and State Law governing elections in cities and shall have such powers as are granted by the **Illinois Compiled Statutes**. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(See 65 ILCS Sec. 5/4-3-4)**

(A)      **Reports.** Every Commissioner, officer, assistant and employee shall, from time to time, as required by law or ordinance or when requested by the Council or whenever he shall deem necessary for the good of the public service, report to the Council in writing respecting the business or work of his department, subordinate department, bureau or office, or matters connected therewith.

(B)      **Department Heads Agents of Council.** All Commissioners or superintendents of departments and officers are the agents of the Council only, and all their acts shall be subject to review and to approval or revocation by the Council. **(See 65 ILCS Sec. 5/4-3-1 et seq.)**

**1-2-2**      **VACANCIES - APPOINTMENT.** A vacancy occurs in the office of City Commissioner by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office or removal from office, or removal of residence from the City.

If a vacancy occurs in any of these offices, the remaining members of the Council, within **thirty (30) days** thereafter, shall appoint a person to fill the vacancy for the balance of the unexpired term or until the vacancy is filled by interim election pursuant to **Section 5/3.1-10-50 of the Illinois Compiled Statutes**, and until the successor is elected and has qualified. **(See 65 ILCS Sec. 5/4-3-4)**

**1-2-3**      **MEETINGS.** The regular stated meetings of the City Council shall be held in the City Hall Building on the **second (2nd) and fourth (4th) Mondays** of each month at **6:00 P.M.** during Central Standard Time and Daylight Savings Time. If a regular stated meeting falls upon a legal holiday, the meeting shall be held at the regularly scheduled time and place on the following Tuesday unless the City Council at the next prior meeting thereto shall determine to reschedule the meeting until the next secular day. Public notice of regular meetings and rescheduled meetings shall be given in accordance with the **Open Meetings Act**. **(See 5 ILCS Sec. 120/1 et seq.) (Ord. No. 95-011-4; 11-28-95)**

**1-2-4**        **SPECIAL MEETINGS.** Special meetings of the City Council may be called by the Mayor or any **two (2)** Commissioners by giving **at least forty-eight (48) hours notice** thereof, by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Commissioners; such notices shall be served by mail, by the Chief of Police or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the City Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. The notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. **(See 65 ILCS Sec. 5/4-5-12 and 5 ILCS Sec. 120/2.02 and 120/2.03)**

**1-2-5**        **QUORUM.** At all meetings of the City Council, **three (3) members** of the City Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting by a written citation to be signed by the Mayor and **two (2) Commissioners** issuing the same, and may be served by any official authorized to serve process within the City by reading the same to such absentees. **(See 65 ILCS Sec. 5/4-5-12)**

**1-2-6 - 1-2-9**        **RESERVED.**

## **DIVISION II - CITY COMMISSIONERS**

**1-2-10**     **CITY DEPARTMENTS.** The executive and administrative powers, authority and duties in the City are distributed into and among the following departments and the powers and duties to be performed are determined and assigned to the appropriate departments and officer(s), as hereinafter set forth:

- (A)           Department of Public Affairs.
- (B)           Department of Accounts and Finances.
- (C)           Department of Public Health and Safety.
- (D)           Department of Streets and Public Improvements.
- (E)           Department of Public Property.

The City Council shall enter upon its official duties on the **first (1st) Monday in May** after each regular election. They shall immediately hold an organizational meeting at which time the Mayor, with the advice and consent of the City Council shall appoint a member of the City Council to each of the departments listed above; provided, however, the Mayor shall be the Commissioner of Public Affairs. **(See 65 ILCS Sec. 5/4-5-2)**

**1-2-11**     **VACANCY.** In the event of a vacancy in the membership of the Council, the remaining members of the Council shall within **thirty (30) days** after the existence of the vacancy designate **one (1) Commissioner**, in addition to other duties already designated to be performed by the Commissioner, to be commissioner of the department in which such vacancy exists. If the vacancy occurs within at least **twenty-eight (28) months** remaining in the term and the vacancy occurs at least **one hundred thirty (130) days** before the next general municipal election, the appointee serves until the vacated office is filled at the next election. If the vacancy occurs later than the time provided, the appointee serves out the remainder of the unexpired term. **(65 ILCS 5/4-3-4 and 5/3.1-10-50)**

**1-2-12**     **COMMISSIONERS ARE SUPERINTENDENTS.** The Commissioner of each department shall be Superintendent of that department; and is vested with the right and power to appoint and discharge the heads of all departments, as well as the employees thereof subordinate to the department of which he is the Commissioner; provided, however this action shall be subject to review if a majority of the City Council votes to review said appointment or discharge.

All officers and employees so appointed shall render efficient service in the conduct of the municipal affairs of which they are responsible. Any officer or employee of the City may be removed from office at any time by a majority vote of the Council. The Commissioner in charge of the department in which any such officer or employee is so removed shall be vested with the right and power to fill the vacancy so created, provided, no officer or employee so removed from service may be re-employed in any department during any succeeding **twelve (12) month** period, except with approval

of a majority of the Council; the powers of appointment and removal herein are subject to the provisions of **Article IV of Chapter 65 of the Illinois Compiled Statutes**, and all powers shall be exercised in accordance with the provisions thereof. **(See 65 ILCS Sec. 5/4-5-2)**

**1-2-13**     **DEPARTMENT REGULATIONS.**     The Commissioner of each department shall make and enforce such rules and regulations not inconsistent with the law or the ordinance, or rules and regulations adopted by the Council, as may be necessary to secure efficient conduct of the service of his department or the business in charge thereof.

**1-2-14**     **DEPARTMENT OF PUBLIC AFFAIRS.**

(A)     **Mayor's Powers.**     The Mayor shall have and exercise all the powers and perform all the duties provided or prescribed by the ordinances of the City not in conflict with the provisions of this Code, and shall have and exercise all the powers and perform all the duties provided or prescribed by law.

(B)     **Mayor as Superintendent.**     The Mayor shall be Commissioner of Public Affairs and shall be Superintendent of the Department of Public Affairs and as such, shall have general supervision and shall oversee all departments and officers of the City.

(C)     **Appointment of Officers.**     The Mayor shall appoint, by and with the advice and consent of the Council, all officers whose appointment is not otherwise provided for by law or this Code; and whenever a vacancy shall occur in any office which, by law of ordinance, he is empowered and required to fill, he shall, at the next regular meeting of the Council occurring not less than **five (5) days** after such vacancy, communicate to the Council the name of his appointee to such office, and pending the concurrence of the Council in such appointment, he may designate some suitable person to discharge the functions of such office.

(D)     **Chief Executive Officer.**     The Mayor shall be chief executive officer and representative of the City. He shall sign all contracts on behalf of the City and shall require and cause to be prepared and published all statements and reports required by law or ordinance or resolution of the Council.

(E)     **Departments and Officers.**     The City Attorney and other employees of the law department and all other officers, employees of functionaries not by law or ordinance distributed or assigned to some other departments are assigned to the Department of Public Affairs. **(See 65 ILCS Sec. 5/4-5-1 and 5/4-5-2)**

(F)     **Liquor Commissioner.**     The Mayor is hereby designated as Liquor Commissioner. **(See Chapter 21 of this Code.)**

(G)     **Additional Duties.**     The Mayor shall perform such other and further duties pertaining to his office as are or may be required of him by the laws of the State of Illinois or this Code.

(H) **City Attorney.** There is hereby created the office of City Attorney who shall also serve as Corporation Counsel. The term of office shall coincide with the Mayor's term until his successor shall be appointed and qualified. The City Attorney shall be appointed by the Mayor with the advice and consent of the City Council, at the first meeting in May after the general consolidated election. The City Attorney shall exercise those powers provided in this Code. **(See Division VI of this Article.)**

(I) **Public Health Officer.** The Mayor shall appoint, with the approval of the Council, a Public Health Officer and shall exercise general supervision over the position. The Public Health Officer shall have charge of and supervision over all matters pertaining to the Nuisance Code, Building Codes, Property Maintenance Code and Animal Codes.

### **1-2-15 DEPARTMENT OF ACCOUNTS AND FINANCES.**

(A) **Commissioner's Duties.** The Commissioner of Accounts and Finances shall be Superintendent of the Department of Accounts and Finances, and shall have charge of and supervision over all accounts and records of the City and in all matters relating to the accounts and finances of the City, in addition to the accounts and records of the City Clerk, City Treasurer and Collector, their offices or departments, plus all officers, boards or departments required to keep or make accounts, records, and reports.

(B) **Inspections and Reports.** The Commissioner shall inspect or cause to be inspected, all records or accounts required to be kept in any of the offices or departments of the City and shall, report the result of such inspection to the Council with such recommendations as he shall see fit to make.

(C) **Annual Audit.** He shall supervise all officers and employees of the City with respect to the proper accounting of funds; the supervising and preparation of the annual audit and its publication as required by law; make certain that all officers and employees are under bond at all times as required by this Code; and that the City has adequate insurance coverage through the proper acquisition of insurance.

(D) **Claims.** The Commissioner shall examine or cause to be examined and report to the Council upon all bids, accounts and claims before they are acted upon, unless otherwise provided by law or ordinance.

(E) **Departments and Officers.** The City Clerk and Treasurer are assigned to the Department of Accounts and Finances and shall be under the supervision and direction of the Commissioner thereof.

(F) **Utility Reports; Collection of Fees.** The Commissioner of Accounts and Finances shall procure from all persons and corporations operating public service utilities in the City such reports as they are, by law or ordinance or otherwise required to make to the City or any of its officers, and procure copies of such reports as are made to the State or any public office or department. He shall collect all license fees, inspection fees, franchise taxes, rentals or other monies which may be due or become due the City.

He shall report to the Council any failure to make reports or to pay monies due the City with such recommendations in relation thereto as he may deem proper.

He shall, whenever the City has authority to do so, cause to be examined, the accounts and records of any person or corporation operating a public service utility in the City and shall report to the Council any refusal to permit such examination, with such recommendations in relation thereto as he may deem proper.

(G)

**Annual Appropriation.**

(1) **Estimates for Year.** The City Clerk shall, on or before **October 31<sup>st</sup>** or as soon thereafter as possible, submit to the Council a report of his estimates, as near as may be, of the moneys necessary to defray the expenses of the City during the current fiscal year, classifying the different objects, and giving as nearly as may be the amounts required for each, and for this purpose, he is authorized to require of the City Officers their statements of the condition and expenses of their respective departments; also for proposed improvements and the probable expense thereof, and also of the contracts already made and unfinished.

He shall show the aggregate income of the preceding fiscal year from all sources, the amount of any unexpended appropriation of the preceding year, the amount of liabilities outstanding upon which interest is to be paid, and of the bonds and City debts payable during the year, when due and when payable, and shall also embody in such report such matters as by law or ordinance are required, so that the Council may fully understand the many exigencies of the City for the current year.

(2) **Appropriation Bill.** The Council shall, within the first quarter of each fiscal year, by ordinance, pass an annual appropriation bill in any by which such sums of money shall be appropriated as shall be deemed necessary to defray all necessary expenses and liabilities of the City for the current fiscal year.

(3) **Specifications of Ordinance.** Such ordinance shall specify the object and purpose for which such appropriations are made, and the amount appropriated for each object or purpose, and no expenditure shall be added to the general expenditures of the City in any **one (1) year** over and above the amount provided for and appropriated in the annual appropriation bill for that year; nor shall any expenditure be added to the expenditures of any object or purpose in any **one (1) year** over and above the amount for such object or purpose in said annual appropriation bill specifically appropriated for that year, except for the purpose and in the manner by law provided.

(H) **City Clerk - Treasurer.** In addition to the above provisions, the City Clerk/Treasurer shall have the responsibilities and duties as outlined in this Article.

(I) **Mayor Pro-Tem.** The Commissioner of Accounts and Finances shall be vice-president of the Council, and in case of a vacancy in the office of Mayor or the absence or inability of the Mayor, shall perform the duties of the Mayor. **(See 65 ILCS Sec. 5/4-5-1)**



(J) **Building Construction and Supervision.** The Commissioner shall have supervision over the construction and repairs of all buildings assigned to the department and may, on his application, receive assistance therein from other officers and departments.

He shall have control, management, direction and supervision of the City Hall, the custodians, and watchmen thereof. He shall have charge of the furniture and fixtures in the City Hall not otherwise assigned to or used by some other department.

(K) **Public Service Utilities.** He shall have control and supervision over all persons or corporations rendering service in the City under any franchise, license, contract or grant made or granted by the City or State, and shall report to the Council or other proper officer any failure of the person or corporation to render services or to observe the requirements or conditions of the franchise, contract, license or grant under which such public service utility is operated.

#### **1-2-16 DEPARTMENT OF PUBLIC HEALTH AND SAFETY.**

(A) **Police Departments and Officers.** The Police Department and property and apparatus used in the Police Department and all employees therein, are assigned to the Department of Public Health and Safety.

(B) **Fire Department and Officers.** The Fire Department and property and apparatus used in the Fire Department and all employees therein, are assigned to the Department of Public Health and Safety.

(C) **Commissioner's Duties.** The Commissioner of Public Health and Safety shall be the Superintendent of the Department of Public Health and Safety, and shall have charge of and supervision and direction over all officers and employees assigned to the department(s).

(D) **Miscellaneous Responsibilities.** The Commissioner shall have supervision over the regulation and protection of traffic, the regulation of places of amusement and of the sale, storage and use of explosives, and of junk dealers, secondhand stores and pawnbrokers.

#### **1-2-17 DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS.**

(A) **Streets and Buildings.** The Commissioner of Streets and Public Improvements shall be Superintendent of the Department of Streets and Public Improvements, and shall take charge of all public work, the cleaning, mowing and sprinkling of streets and public places, the erection and reconstruction of all street improvements, sidewalks, bridges, and public buildings and other improvements, and of the repair thereof when such public buildings, other improvements and repair thereof are not otherwise assigned.

He shall have control, management direction, and supervision of the lighting of streets and alleys, of public grounds and buildings and of all lamps, lights, lighting materials and persons charged with the care thereof.

(B) **Departments and Officers.** The Superintendent of Streets and all employees therein, and all property and apparatus of the respective officers, offices,

or departments are assigned to the Department of Streets and Public Improvements and shall be under the supervision and direction of the Superintendent thereof.

(C) **Weeds.** He shall have charge of and supervision over the mowing of weeds on vacant lots pursuant to Chapter 25 of this Code.

**1-2-18 DEPARTMENT OF PUBLIC PROPERTY.**

(A) **Commissioner's Duties.** The Commissioner of Public Property shall be Superintendent of the Department of Public Property, and shall have charge of the Water and Sewer Department and all employees therein, and all property and apparatus used in the Department.

**1-2-19 CREATION AND DISCONTINUANCE OF OFFICES.** The Council has the power, by ordinance, to create, fill, and discontinue offices and employment other than those prescribed in state law, according to its judgment of the needs of the City.

**1-2-20 REMOVAL OF OFFICERS AND EMPLOYEES.** Except as otherwise provided by law, any officer or employee who has been elected or appointed by the City Council in accordance with the provisions of state law may be removed from office at any time by a vote of a majority of the Council members.

**1-2-21 OFFICIALS FAILURE TO ATTEND MEETINGS.**

(A) **Removal From Office for Failure to Attend.** All members of boards appointed by the Mayor with the advice and consent of the City Council, (e.g. Park Board, Library Board, Tourism Council, etc.), expressly excepting the members of the City Council itself, who fail to attend meetings for **three (3) consecutive meetings**, without an excused absence for their non-attendance, may be removed from their appointed office by a majority vote of the City Council.

(B) **Excused Absences.** The following conditions shall constitute grounds for excused absences from attendance at the board meeting of the particular board:

- (1) **Employment Conflict.** An appointed member of a board who has a scheduling conflict between his employment and a regularly scheduled board meeting shall be excused from attendance at the board meeting. In order to verify this employment conflict, the member shall submit to the board secretary a written excuse signed by the member's employment supervisor on or

before the **fourteenth (14<sup>th</sup>) day** following the date of the absence.

- (2) **Bereavement.** An appointed member of a board who has experienced a death in his or her immediate or extended family (to include spouse, children, parents, sisters, brothers, grandparents, in-laws, aunts, and uncles, and grandparents, aunts and uncles of the board member's spouse) provided that the death occurred no earlier than **seven (7) days** prior to the regularly scheduled board meeting, and further that the secretary of the board received written notice of such death in writing from the board member on or before the **fourteenth (14<sup>th</sup>) day** following the regularly scheduled board meeting.
- (3) **Personal or Family Illness.** An appointed member of a board who is ill or has an immediate family member (i.e., spouse or children) who is ill on the day of the regularly scheduled board meeting shall be excused from attendance provided that the secretary of the board receives written notice of such illness on or before the **fourteenth (14<sup>th</sup>) day** following the absence.
- (4) **Military Service.** An appointed member of a board who must be absent from regular scheduled board meeting because of military service shall be excused from attendance provided that the secretary of the board received notice of such military obligation at least **seven (7) days** prior to the regular scheduled board meeting.
- (5) **Family Vacation.** An appointed member of a board who is out of town on vacation on the same date as a regularly scheduled board meeting shall be excused from attendance provided that written notice of such family vacation shall be given to the secretary of the board at least **seven (7) days** prior to the date of absence.

(C) **Unexcused Absences.** An appointed member of a board who is absent from a regularly scheduled board meeting for any reason other than those delineated in paragraphs (B)(1) through (5) above shall be assessed an "unexcused" absence.

(D) **Removal From Office for Excessive Unexcused Absences.** In the event an appointed member of a board is absent, without excuse, from **three (3)** successive regular scheduled board meetings, then he or she may be, by motion and majority vote of the City Council, removed from

office. Prior to the vote being taken on the removal of said member from his or her seat, said member shall be sent a certified letter, return receipt requested by the City Clerk of the City of DuQuoin, advising him or her that the matter of his or her non-attendance and removal from office shall be brought to the floor of the City Council at the given City Council meeting with the date and time of said meeting being set forth in said certified letter. **(Ord. No. 2003-04-03; 05-12-03)**

**1-2-22 - 1-2-25      RESERVED.**

## DIVISION III - RULES OF THE CITY COUNCIL

**1-2-26**     **RULES OF THE COUNCIL.** The following rules of order and procedure shall govern the deliberations and meetings of the City Council. **(See 65 ILCS Sec. 5/3.1-40-15)**

(A)     **Order of Business.** The order of business shall be as follows:

- (1) Call to order by presiding officer.
- (2) Roll Call.
- (3) The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction and approval of the same, unless dispensed with by the members and correction of the journal of the proceedings of previous meetings.
- (4) Presentation of communications, petitions, resolutions, orders, and ordinances by the members.
- (5) Reports of Commissioners.
- (6) Reports and communications from the Mayor and other appointed City Officers.
- (7) Unfinished business.
- (8) Miscellaneous business.
- (9) Visitors.

All questions relating to the priority of business shall be decided by the chair without debate, subject to appeal.

(B)     **Duties of Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all question of order, subject to appeal.

In case of any disturbance or disorderly conduct, the presiding officer shall have the power to require that the chamber be cleared.

(C)     **Duties of Members.** While the presiding officer is putting the question, no member shall walk across or out of the Council Chamber.

Every member, previous to his speaking, making a motion or seconding the same shall not proceed with his remarks until recognized and named by the Chair. He shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

(D)     **Visitors.** No person other than a member of the Council shall address that body on the same question, unless such person has been recognized by the presiding officer.

(E)     **Presentation of New Business.** When a member wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the Clerk who shall read such matter when reached in its proper order.

(F)     **Debate.** No member shall speak more than once on the same question, except by consent of the Presiding Officer or unless **three-fourths (3/4)** of the corporate authorities agree to one's right to debate should be limited to speak only

once, and then not until every other member desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration, as the case may be, shall have the right to open and close debate.

**[No member shall speak longer than ten (10) minutes at any one time, except by consent of the Council; and in closing debate on any question, as above provided, the speaker shall be limited to five (5) minutes, except by special consent of the Council.]**

The City Council, by motion, may limit debate. The Presiding Officer shall have the right to participate in debate.

While a member is speaking, no member shall hold any private discussion, nor pass between the speaker and the Chair.

(G) **Call of Members to Order.** A member, when called to order by the Chair, shall thereupon discontinue speaking and take his seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

(H) **Appeals from Decision of the Chair.** Any member may appeal to the Council from a ruling of the Chair, and if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The Presiding Officer shall have the right to participate in debate.

The Chair shall then put the question, "**Shall the decision of the Chair be sustained?**". If a majority of the members present vote "**No**", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

(I) **Division of Questions.** If any question under consideration contains several distinct propositions, the members, by a majority vote of the members present may divide such question.

(J) **Record of Motions.** In all cases where a resolution or motion is entered in the journal, the name of the member moving the same shall be entered also.

(K) **Announcement and Changes of Vote.** The result of all votes by yeas and nays shall not be announced by the Clerk, but shall be handed by him to the chairman for announcement, and no vote shall be changed after the tally list has passed from the hands of the Clerk.

(L) **Precedence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

- (1) To adjourn to a day certain.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) The previous question.
- (6) To refer.
- (7) To amend.
- (8) To defer or postpone to a time certain.
- (9) To defer or postpone (without reference to time.)
- (10) To defer or postpone indefinitely.

Numbers (2), (4), and (5) to be decided without debate.

(M) **Motions to Adjourn.** A motion to adjourn the City shall always be in order, except:

- (1) When a member is in possession of the floor.
- (2) While the yeas and nays are being called.
- (3) When the members are voting.
- (4) When adjournment was the last preceding motion.
- (5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The City Council may, at any time, adjourn over **one (1)** or more regular meetings on a vote of a majority of all the members authorized by law to be elected.

(N) **Previous Question.** When the previous question is moved on the main question and seconded, it shall be put on this form: "**Shall the main question now be put?**". If such motion be carried, all further amendments and all further motions and debate shall be excluded, and the question put without delay upon the pending amendment in proper order and then upon the main question.

(O) **Motions to Lay on the Table and to Take From the Table.** A motion simply to lay the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided **two-thirds (2/3)** of the members vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

(P) **Indefinite Postponement; Motion to Defer or Postpone Without Any Reference to Time.** When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

A motion to defer or postpone without any reference to time shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

(Q) **Motion to Refer.** A motion to refer to a standing committee shall take precedence over a similar motion to refer to a special committee.

(R) **Motion to Amend.** A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.



On an amendment to "**Strike Out and Insert**", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending questions may be referred to a committee and neither the main question nor such other pending question shall be affected thereby.

(S) **Filling of Blanks.** When a blank is to be filled and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

(T) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time, further amendment is admissible; and if accepted by the City Council by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(U) **Reconsideration.** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration having been once made and decided in the negative shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by a member who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

(V) **Adoption of Robert's "Rules of Order Revised".** The rules of parliamentary practice comprised in the latest published edition of **Robert's "Rules of Order Revised"** shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Council.

(W) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of **two-thirds (2/3)** of the corporate authorities entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of **two-thirds (2/3)** of all the corporate authorities entitled by law to be elected.

(X) **Censure of Members - Expulsion of Members.** Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Council, or who does not obey the order of the City Council or the order of the Chair shall be, on motion, censured by a majority vote of the members present, or expelled by a **two-thirds (2/3)** vote of all members elected. **(See 65 ILCS Sec. 5/3.1-40-15)**

## **1-2-27      VOTING.**

(A) All Council members, including the Mayor, present at any meeting shall vote on each measure presented to the Council.

(B) The affirmative vote of **three (3) members** of the Council shall be necessary to adopt any motion, resolution, or ordinance, unless a greater number is provided for by this Chapter.

**1-2-28** **AGENDA.** An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Council no later than **forty-eight (48) hours** prior to the regular Council meeting. In the case of emergency matters, which could not have been reasonably foreseen in sufficient time to comply with this Section, a revised agenda will be furnished to each member of the Council prior to the opening of the Council meeting. **(5 ILCS 120/2.02)**

**1-2-29** **RESERVED.**

## **DIVISION IV - ORDINANCES**

### **1-2-30      ORDINANCES.**

(A)      **Attorney.** It shall be the duty of the City Attorney to prepare such ordinances as may be required by the City Council.

(B)      **Passage by Yeas and Nays - Record.** The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the City or for the expenditure or appropriation of its money, and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of **three (3)** of the members elected to the City Council shall be necessary for the passage of any such ordinance or proposition. **(See 65 ILCS Sec. 5/4-5-12)**

(C)      **Inspection.** Every ordinance or resolution appropriating any money, or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise, right, or license to occupy or use the streets, alleys, highways, bridges, viaducts, public property, or public places in the municipality for any purpose, shall remain on file with the municipal clerk for public inspection, in the form in which it is finally passed, at least **one (1) week** before the final passage thereof.

(D)      **Signing.** All ordinances passed by the City Council shall, before they take effect, be deposited in the office of the City Clerk, and the Mayor shall sign the same.

(E)      The style of all ordinances shall be: "Be it ordained by the Council of the City of DuQuoin."

**1-2-31      LEGISLATION TO BE SIGNED.** The Mayor shall have no power to veto, but every resolution, ordinance or warrant passed or ordered by the Council must be signed by the Mayor, or by the Mayor Pro Tem, and all ordinances and resolutions shall be filed for record before they shall be in force.

**1-2-32 - 1-2-35 RESERVED.**

## **DIVISION V - GENERAL PROVISIONS**

### **1-2-36      CORPORATE SEAL.**

(A)            The seal provided by the Council, being circular in form shall consist of the words, "**Incorporated July 14<sup>th</sup>, 1873**" in the interior circle of the seal.

Such seal shall be and hereby is established and declared to be the seal of the City. **(See 65 ILCS Sec. 5/2-2-12)**

(B)            The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the City and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the City Clerk who shall be the legal custodian. **(See 65 ILCS Sec. 5/3.1-35-90)**

### **1-2-37      ELECTIONS.**

(A)            **Election Procedure.** The provisions of the **Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/4-3-1** concerning municipal elections shall govern the conduct of the City elections.

(B)            **Inauguration.** The inauguration of newly elected City officials shall occur at the first regular or special meeting of the City Council in the month of May following the general municipal election in April. **(See 65 ILCS Sec. 5/3.1-10-15)**

### **1-2-38      MUNICIPAL OFFICERS - REGULATIONS.**

(A)            **Effect.** The provisions of this Division shall apply alike to all officers and employees of the City regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.

(B)            **Qualifications; Appointive Office.**

(1)            No person shall be eligible for any appointive municipal office unless that person is a qualified elector of the municipality or otherwise provided by law.

(2)            The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed city treasurers, or to appointed city collectors (unless the City has designated by ordinance that the City Clerk shall also hold the office of collector). **(See 65 ILCS Sec. 5/3.1-10-6)**

(C)            **Bond.** Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position. **(See 65 ILCS Sec. 5/3.1-10-30)**

(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things

appertaining to such office, and which are the property of the City. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-20** of this Code. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk. **(See 65 ILCS Sec. 5/3.1-10-35)**

(E) **Books Open to Inspection.** Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the Mayor or any committee or member of the Council.

(F) **Fees; Report of Fees.** No officer of the municipality shall be entitled to charge or receive any fees as against the City. All officers of the City entitled to receive fees shall keep a correct account thereof, and make a report thereof under oath to the Council prior to the regular meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the City Treasury.

(G) **Other Rules and Regulations.** Every officer of the City shall perform such other duties and be subject to such other rules and regulations as the City Council may provide by law. **(See 65 ILCS Sec. 5/3.1-10-40)**

(H) **Conservators of Peace.**

(1) After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Aldermen, Public Health Officer, and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have the power:

(a) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,

(b) to commit arrested persons for examination,

(c) if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and

(d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.

(2) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. **(See 65 ILCS Sec. 5/3.1-15-25)**

(I) **Oath.** Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed shall take and subscribe to the following oath:

**"I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability."**

The Mayor and the Clerk shall have the power to administer this oath or affirmation upon all lawful occasions.

**(See 65 ILCS Sec. 5/4-1-1)**

**(See "Administration of Oaths")**

**1-2-39      RESIGNATION OF APPOINTED OFFICIALS.** Any officer of the City may resign from office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a City officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. **(See 65 ILCS Sec. 5/3.1-10-50)**

**1-2-40      QUALIFICATIONS; ELECTIVE OFFICE.**

(A) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least **one (1) year** next preceding the election.

(B) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

(C) A person is not eligible for the office of Commissioner unless that person has resided in the municipality, as the case may be, at least **one (1) year** next preceding the election or appointment. **(See 65 ILCS Sec. 5/3.1-10-5)**

**1-2-41      BONDS OF CITY OFFICERS.**

(A) **Amount.** Bonds of City officers required under **Illinois Compiled Statutes, Chapter 65, Section 5/4-4-2** shall be executed in the following penal sums:

(1)	Mayor	\$50,000.00
(2)	Treasurer/Clerk	\$500,000.00
(3)	City Commissioner	\$3,000.00
(4)	Fire and Police Commissioner	\$2,000.00
(5)	Deputy Treasurer	\$50,000.00
(6)	Attorney	\$500.00
(7)	Deputy Clerk	\$50,000.00



(B) **Premium Payment by City.** The surety bonds required by law shall be paid by the City. **(See 5 ILCS Sec. 270/1)**

(C) **Surety.** The Council shall not receive or approve any bond or security whereon the name of the Council, any one of the Commissioners or any elected or appointed officer of the City appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the Council or if any bondsman, after becoming such is elected or appointed to any City office, this section shall not act as a release of any such obligation incurred. **(See 65 ILCS Sec. 5/4-4-2)**

#### **1-2-42 LIABILITY INSURANCE.**

(A) **Purchase Of.** The City Council shall have the power to purchase liability insurance covering and insuring all municipal officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover and protect any liability which the municipal corporation, officer, employee or elected official may incur. When the insurance has been purchased, the City shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the municipal corporation, officer, employee or elected official.

(B) **Indemnification.** If the City Council elects not to purchase liability insurance covering and insuring municipal officers, elected officials and employees as provided in this Section, then the City shall indemnify and cause to defend municipal officers, elected officials and employees from any claim filed by an individual, partnership or corporation when the claim is founded on any act or omission of the municipal officers, elected officials or employees while in the performance of their official duties, except the City shall not indemnify, but shall defend any municipal officer, elected official or employee from any claim made by an individual, partnership or corporation wherein the claim alleges that the municipal officer, elected official or employee acted intentionally, maliciously or wantonly and further, shall not indemnify or cause to defend the officials or employees where the claim is directly or indirectly related to the negligent care or use of a vehicle as defined by the **Illinois Compiled Statutes**, and the City shall not indemnify any municipal officer, elected official or employee from any claim made by a municipal officer, elected official or employee. Notwithstanding any other provision of this Code, the City shall not indemnify or cause to defend any municipal officers, elected officials or employees if the municipal officers, elected officials or employees have liability insurance insuring the municipal officers, elected officials or employees from the alleged claim; however, the City shall indemnify the municipal officer, elected official or employee the personal deductible limits of his personal policy. **(See 745 ILCS Sec. 10/2-201 et seq.)**

#### **1-2-43 BIDDING AND CONTRACT PROCEDURES.**

(A) **Competitive Bidding Required.** Any work or other public improvement which 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 Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment 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 **Twenty Thousand Dollars (\$20,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **four (4)** of the **five (5) Commissioners** then holding office.

(C) **Notice Inviting Bids.** Notice inviting bids shall be published at least once in a newspaper with general circulation within the City. The City shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the City Hall.

(D) **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 the time and place for opening bids.

(E) **Bid Deposits.** When deemed necessary by the City Council, 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 City Council. A successful bidder shall forfeit any bid deposit required by the City Council upon failure on his part to enter into a contract within **ten (10) days** after the award.

(F) **Bid Opening Procedure.**

- (1) **Sealed.** Bids shall be submitted sealed to the City 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 City Council or by a City employee, in which event, a tabulation of the bids shall be furnished to the City Council at its next regular meeting.

(G) **Rejection of Bids.** The City shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) **Bidders in Default to City.** The City shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the City.

(I) **Award of Contract.**

- (1) **Authority in City.** The City Council shall have the authority to award contracts within the purview of this section.
- (2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that

is in the best interest of the City to accept. In awarding the contract, in addition to price, the City Council shall consider:

- (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (d) The quality of the performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (i) The number and scope of conditions attached to the bid.

- (3) **Performance Bonds.** The City Council 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 City.

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Twenty Thousand Dollars (\$20,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code prohibits or discourages involvement in normal bidding procedures, may be entered into by the City without observing the bidding procedures prescribed by this section for the award of formal contracts.

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies materials or services, the City Council 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.

(M) **Cooperative Purchasing.** The City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. **(See 65 ILCS Sec. 5/4-5-11, 8-9-1 and 8-9-2)**

**1-2-44 SALARIES REGULATION.**

(A) **Elected.** No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.

**(See 65 ILCS Sec. 5/4-6-1 and 5/4-6-2)**

**EDITOR'S NOTE:** The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance at least **six (6) months** prior to the general municipal election in which voting is held for those offices.

**1-2-45 CLAIMS.**

(A) **Presentation.** All claims against the City for goods purchased, damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance **must be presented on or before the last day of each month** to the City Clerk. All such claims must be in writing and items shall be specified.

(B) **Exception.** This does not prohibit the City Council from passing on any claims not previously presented to the City Clerk if, in the opinion of the Council, justice to the claimant requires it.

**1-2-46 MUNICIPAL YEAR.** The municipal year of the City shall begin on **January 1<sup>st</sup> of each year and shall end on December 31<sup>st</sup> of the same year.** **(See 65 ILCS Sec. 5/1-1-2)**

**1-2-47 EXPENSES - REIMBURSEMENT.** Each member of the corporate authorities may receive reimbursement from the municipality for expenses incurred by the member in attending committee meetings of the corporate authorities or for other expenses incurred by the member in the course of performing official duties. **(See 65 ILCS Sec. 5/3.1-50-15(B))**

**1-2-48**      **OFFICIAL RECORDS.** All official records, including the Corporate Seal, shall be kept in the City Hall.

**1-2-49**      **FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.**

(A)      **Policy.** It is hereby declared to be the policy and purpose of the City Council to extend to the eligible employees thereof, effective as of **July 1, 1955**, the benefits of the Federal Old Age and Survivor's Insurance System as authorized by the Federal Social Security Act and amendments thereto. In pursuance of the policy, and for that purpose, the Mayor shall take such action as may be required by applicable state or federal laws or regulations.

(B)      **Execution of Agreement.** The Mayor is hereby authorized and directed to execute an agreement with the State Employees' Retirement System of the State (Social Security Unit) to secure coverage of eligible employees as provided in paragraph (A).

(C)      **Withholding Wages.** Withholdings from salaries or wages of employees for the purpose provided in paragraph (A) hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the appropriate state agency in such amounts and at such times as are designated by state laws or regulations.

(D)      **Employer Contributions; Administrative Expenses.** Employer contributions and administrative expense shall be paid to the appropriate state agency in accordance with applicable state laws and regulations from amounts appropriated for the purpose of paragraph (A).

(E)      **Records.** The City Treasurer shall maintain such records and submit such reports as may be required by applicable state laws and federal laws or regulations relative to Federal Old Age and Survivor's Disability Insurance.

**(Ord. No. 661; 04-29-55)**

**1-2-50**      **ILLINOIS MUNICIPAL RETIREMENT FUND.**

(A)      The City does hereby elect to participate in the **Illinois Municipal Retirement Fund.**

(B)      **Special Tax.** The City includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the City's cost of participating in the Retirement Fund and appropriate therefrom funds to pay the cost of participation.

**1-2-51**      **RESIDENCY REQUIREMENTS.** Personnel employed by the City must reside within the boundaries of the Community Unit School District No. 300 and reside within **ten (10) minutes** driving time of the nearest City limits. Driving time is determined by driving the lawful speed limit under normal conditions. Personnel who at time of appointment or employment do not meet the above residency requirement shall do so within **six (6) months** of their appointment or employment date. This provision may be waived by the City Council.

**1-2-52**      **RESERVED.**

## **DIVISION VI – CITY CLERK**

### **1-2-53      OFFICE ESTABLISHED.**

(A)            There shall be appointed by the Mayor a City Clerk with the advice and consent of the City Council. Such person shall perform all the duties pertaining to the office as prescribed by this Code, and shall also keep such additional records and books of account as may be prescribed by the Council or by the Superintendent of Accounts and Finances.

(B)            The person so appointed Clerk shall, before entering upon the duties of the offices, execute a bond to the City in the amount of **Five Hundred Thousand Dollars (\$500,000.00)**, conditioned for the faithful performance of the duties of the office and the payment of all monies that may be received by him, according to law and this Code.

### **1-2-54      DUTIES AS CITY CLERK.**

(A)            **Minutes; Notices.** The Clerk shall attend all meetings of the City Council and shall keep in a suitable book to be styled "**The Record of the City Council,**" a full and faithful record of its proceedings. He shall issue and cause to be served upon all members notices of all special meetings of the Council.

(B)            **Delivery Of Papers.** The Clerk shall, without delay, upon the adjournment of each meeting of the Council, notify and upon demand, shall deliver to the officers of the City, copies of all petitions, communications, reports, resolutions, orders, claims and other papers referred by the Council.

(C)            **Official Papers.** The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under the laws and ordinances of the City, and shall attest the same with the corporate seal; and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City.

(D)            **Record Of Elections and Appointments.** The Clerk shall keep a record of the election or appointment and confirmation of all officers of the City, showing the date of confirmation or election, the date of commission, and the date of death, resignation, removal or expiration of term of office.

(E)            **Records to Successor.** The Clerk shall carefully preserve in the office, all books, records, papers, maps and effects of every description belonging to the City or pertaining to his office, and not in the actual use and possession of other City officers, and upon the termination of his service in office, shall deliver all such books, records, papers and effects to his successor in office.

(F)            **Books; Examination.** The Clerk shall, under the direction of the Commissioner of Accounts and Finances, keep a complete set of books, in which, among other things, shall be set forth the appropriation of the fiscal year for each distinct object and branch of expenditures and also the receipts from each source of

revenue, so far as he can ascertain the same. The books and all contracts, bonds, deeds, warrants, vouchers, receipts, and other papers kept in his office shall be subject to the examination of the Mayor or members of the Council.

(G) **Warrants; Record.** The Clerk shall keep in a suitable book an accurate list of all warrants (checks) drawn, showing the date, number and amount of each and the name of the person in whose favor drawn. All checks drawn shall be signed by the Treasurer and countersigned by either the Mayor, the Commissioner of Accounts and Finance, the Deputy Treasurer or the Deputy Clerk, and shall specify therein the particular fund or appropriation in which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid than upon such checks so drawn.

(H) **Accounts.** The Clerk shall keep a detailed account of the City revenue and of each separate fund, crediting the same with all receipts or appropriations and charging it with all warrants drawn thereon, and he shall charge each warrant to the fund and appropriation against which it is drawn. He shall also keep an accurate account of all debts due from or owing to the City, and shall keep a book in which he shall enter a correct list of all notes or other obligations given by or payable to the City, with the date thereof, the person to whom or by whom payable, the rate of interest, the time and manner in which the principal and interest are payable, and such other particulars as may be necessary to the full understanding thereof.

(I) **Appropriation Exhausted.** Whenever any fund or appropriation is exhausted, the Clerk shall, without delay, notify the Finance Commissioner thereof, and he shall not thereafter draw any warrant against such fund or appropriation until the same shall be renewed.

(J) **Balance to General Fund.** It shall be the duty of the Clerk to transfer and place to the credit of the General Fund, all unexpended balances of appropriations of the former year remaining at the time that the annual appropriation bill of each year goes into effect. No such transfer shall be made or disposition ordered of any trust fund, or any fund arising from special assessment or special taxation, nor in cases where contracts have been made or liabilities incurred on account of any such appropriation, and remain uncompleted or unpaid at the time the appropriation bill goes into effect, nor of any fund created for any purpose or for the payment of any liability exclusively provided for by taxation, nor Water and Sewer Department funds which, by law, shall not be transferred.

(K) **Public Improvements.** The Clerk shall keep in his office a correct list of all local or public improvements ordered by the Council and let under contract by the City. All contracts and specifications therefor made by authority of the Council or by any officer of the City pursuant thereto, in relation to such improvements, shall be filed in the Clerk's office.

(L) **Official Papers.** The Clerk shall exercise a general supervision over all the officers of the City charged in any manner with the receipt, collection or disbursement of City revenues, and the collection and return of all such revenues into the City Treasury. He shall have the charge, custody and control of all deeds, leases,

warrants, contracts, bonds, obligations, vouchers, books, and papers of every kind, the custody of which is not by law or this Code given to any other officer.



(M) **Annual Estimates.** The City Clerk shall, on or before **October 15<sup>th</sup>** or as soon thereafter as possible, submit to the Council a report of his estimates as near as may be of the monies necessary to defray the expenses of the City during the current fiscal year, classifying the different objects and giving as nearly as may be the amounts required for each and for this purpose, the Clerk is authorized to require of the City officers their statements of the condition and expenses of their respective departments; also for proposed improvements and the probable expense thereof, and also of the contracts already made and unfinished. He shall show the aggregate income of the preceding fiscal year from all sources, the amount of any unexpended appropriation of the preceding year, the amount of liabilities outstanding upon which interest is to be paid, and of the bonds and City debts payable during the year, when due and when payable, and shall also embody in such report such matters as by law or ordinance are required, so that the Council may fully understand the many exigencies of the City for the current year.

(N) **Annual Report.** The Clerk shall, between the **first (1st)** and **tenth (10th) days of December** in each year, make out and file with the Commissioner of Accounts and Finances, an annual report giving a detailed statement of all the receipts and revenues of the City during the preceding fiscal year. The report shall also detail the resources and liabilities of the City, the conditions of all unexpended appropriations and unfulfilled contracts, the balance of money then remaining in the Treasury, with all sums due and outstanding; a list of all real estate owned by the City, and the amount per year received as rent for the same; the names of all persons who may have become defaulters to the City and the amount of such default; and all other matters necessary to exhibit the true financial condition of the City. The report, when examined and approved by the Council, shall be published as a part of the records of the next meeting of the Council.

(O) **Other Duties.** The Clerk shall perform all such other and further duties pertaining to his office as are or may be imposed upon him by law or ordinance or by direction of the Council.

(P) **Deputy.** The City Council by and with the consent of the Mayor may appoint **one (1)** or more deputy clerks to act under the supervision of the City Clerk/Treasurer to perform such of the duties as the City Clerk may direct and at such salary as the Council approves. The City Clerk shall be responsible for supervising the actions of such deputy clerks. In the case of the temporary absence or disability of the City Clerk, the Clerk may appoint a deputy clerk to act until the next regular meeting of the Council and shall be empowered to perform the duties of the City Clerk.

(Q) **Bookkeeping; Payroll.** The Clerk shall keep his books and accounts in such a manner as to show with accuracy all monies received and disbursed by him for the City, stating from whom and on what account received,

and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor or the Commissioner of Accounts and Finances of the Council.

The Clerk shall prepare the City payroll for all persons who come under appropriations for salaries.

**1-2-55 - 1-2-57      RESERVED.**

## DIVISION VII – CITY TREASURER

1-2-58

### **POWERS AND DUTIES.**

(A)

#### **Books and Accounts.**

- (1) The Treasurer shall receive all money belonging to the City and shall keep his books and accounts in the manner prescribed by ordinance. These books and accounts shall always be subject to the inspection of any member of the City Council, provided, however, that the City may by ordinance designate a person or institution which, as bond trustee, shall receive from the County Collector amounts payable to the City as taxes levied pursuant to a bond issuance.
- (2) The Treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto.
- (3) The Treasurer shall give every person paying money into the treasury a receipt, specifying the date of payment and upon what account paid. The Treasurer shall file copies of these receipts with the Clerk. If the Treasurer has in his possession money properly appropriated to the payment of any warrant lawfully drawn upon him, the Treasurer shall pay the money specified in this warrant to the person designated by the warrant. **(65 ILCS 5/3.1-35-40)**

(B)

#### **Reports.**

From time to time as requested by the City Council, the Treasurer shall render an account under oath to the City Council, or to an officer designated by ordinance, showing the state of the treasury at the date of the account and the balance of money in the treasury. The Treasurer shall accompany the account with a statement of all money received into the treasury and on what account, together with all warrants redeemed and paid by him. On the day he renders an account, these warrants, with all vouchers held by him, shall be delivered to the Clerk and filed, together with the account, in the Clerk's office. All paid warrants shall be marked "paid". The Treasurer shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid. **(65 ILCS 5/3.1-35-45)**

(C)

#### **Joint Investments.**

- (1) The Treasurer is permitted to combine moneys from more than **one (1)** fund of the City for the purpose of investing such funds, and join with other municipal treasurers or municipalities for the purpose of investing the City funds of which the Treasurer has custody. Joint investments shall be made only in investments authorized by law for the investment of municipal funds. When moneys of more than

one fund of the City or moneys of more than one municipality are combined for investment purposes, the moneys combined for that purpose shall be accounted for separately in all respects, and the earnings from investments shall be separately and individually computed, recorded, and credited to the fund or municipality, as the case may be, for which the investment was acquired.

- (2) No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established by **30 ILCS 235/6. (65 ILCS 5/3.1-35-50)**

(D) **Segregation of Funds.** The Treasurer shall keep all money belonging to the City and in his custody separate and distinct from his own money and shall not use, either directly or indirectly, the City's money or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject him to immediate removal from office by the City Council, who may declare the Treasurer's office vacant. **(65 ILCS 5/3.1-35-55)**

(E) **Reports of Receipts and Expenses.** The Treasurer shall report to the City Council, as often as they require, a full and detailed account of all receipts and expenditures of the City, as shown by his books, up to the time of the report. **(65 ILCS 5/3.1-35-60)**

(F) **Special Assessments.** All money received on any special assessment shall be held by the Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and the money shall be used for no other purpose, except to reimburse the City for money expended for such improvement. **(65 ILCS 5/3.1-35-85)**

(G) **Investment of City Funds.**

- (1) The Treasurer may deposit funds in a state or national bank in this State. When deposits become collected funds and are not needed for immediate disbursement, they shall be invested within **two (2) working days** at prevailing rates or better. The Treasurer may require the bank to deposit with him or her securities guaranteed by agencies and instrumentalities of the federal government equal in market value to the amount of the funds deposited exceed the federally insured amount. The Treasurer may accept as security for public funds deposited in such bank any securities or other eligible collateral authorized by **15 ILCS 520/11 and 520/11.1** or **30 ILCS 235/6**. The Treasurer is authorized to enter into an agreement with any bank, with any federally insured financial institution or trust company, or with any agency of the U.S. government relating to the deposit of securities.
- (2) The Treasurer shall be discharged from responsibility for any funds for which securities are so deposited with him or her,

and the funds for which securities are so deposited shall not be subject to any otherwise applicable limitation as to amount.

- (3) No bank shall receive public funds as permitted by this Section, unless it has complied with requirements established pursuant to **30 ILCS 235/6**.

**1-2-59 ANNUAL ACCOUNTS; PREPARATION AND FILING; CONTENTS; PUBLICATION.**

Within **six (6) months** after the end of each fiscal year, the Treasurer shall annually prepare and file with the City Council an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show in such account the following:

(A) All monies received by the municipality, indicating the total amounts in the aggregate received in each account of the municipality with a general statement concerning the source of such receipts; provided, for the purpose of this subsection, the term "**account**" shall not be construed to mean each individual taxpayer, householder, licensee, utility user or such other persons whose payments to the municipality are credited to a general account; and

(B) Except as provided in paragraph (C) of this Section, all monies paid out by the municipality where the total amount paid during the fiscal year exceeds **Two Thousand Five Hundred Dollars (\$2,500.00)**, giving the name of each person to whom paid and the total amount in the aggregate, paid to each person; and

(C) All monies paid out by the municipality as compensation for personal services, giving the name of each person to whom paid and the total amount in the aggregate paid to each person; and

(D) A summary statement of operations for all funds and account groups of the municipality, as excerpted from the annual financial report as filed with the appropriate State agency of the State of Illinois.

Upon receipt of such account from the Treasurer, the Treasurer shall publish the account at least once in **one (1)** or more newspapers published in the municipality. **(See 65 ILCS Sec. 5/3.1-35-65)**

**[NOTE: The Treasurer shall file a copy of the report with the County Treasurer as provided in Sec. 5/3.1-35-70 of Chapter 65 of the Illinois Compiled Statutes.]**

**1-2-60 DEPOSIT OF FUNDS.**

(A) **Designation by Council.** The Treasurer is hereby required to keep all funds and moneys in their custody belonging to the City in such places of deposit as have been designated by this Section. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the City in the custody of the City Officials. When a bank has been designated as a depository, it shall continue as such depository until **ten (10)**

**days** have elapsed after a new depository is designated and has qualified as provided by law. When a new depository is designated, the corporate authorities shall notify the sureties of the Treasurer of that fact in writing at least **five (5) days** before the transfer of funds.

(B) **Qualifications of Bank.** No bank shall be qualified to receive City funds or moneys until it has furnished the corporate authorities with copies of the last **two (2)** sworn statements of resources and liabilities which the bank is required to furnish to the Auditor of Public Accounts or to the Comptroller of Currency. Each bank designated as a depository for such funds or moneys shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the Auditor of Public Accounts of the State of Illinois.

(C) **Discharge from Responsibility.** The Treasurer and the aforementioned officials shall be discharged from responsibility for all funds or moneys which they deposit in a designated bank while the funds and money are so deposited. If City funds or moneys are deposited in a designated bank, however, the amount of such deposits shall not exceed **seventy-five percent (75%)** of the bank's or savings and loan association's capital stock and surplus, and the Treasurer shall be responsible for funds or moneys deposited in the bank(s) in excess of this limitation.

(D) **Investments.** The Treasurer is hereby authorized to invest surplus funds or reserve funds of the City in the following types of investments:

- (1) General obligation securities of the United States of America or of the State of Illinois.
- (2) Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company.
- (3) Money Market Accounts.
- (4) Short term discount obligations of the Federal National Mortgage Association.
- (5) The following banks and/or Savings and Loan Associations are hereby designated as places of deposit where the Treasurer is required to keep all funds and moneys in his custody belonging to this municipality:
  - (a) Banterra Bank, DuQuoin, Illinois
  - (b) Regions Financial Bank, DuQuoin, Illinois
  - (c) The Illinois Public Treasurer's Investment Pool, Springfield, Illinois

**1-2-61 - 1-2-62 RESERVED.**

## **DIVISION VIII – BUDGET OFFICER**

**1-2-63**     **ADOPTION OF STATUTES.**   **65 ILCS 5/8-2-9.1** through **5/8-2-9.10** as now are in effect and as hereafter amended, providing for the adoption of an annual budget and providing for the appointment of a budget officer are hereby adopted. **(Ord. No. 1276; 02-07-69)**

**1-2-64**     **APPOINTMENT OF BUDGET OFFICER; REGULATIONS.**   The Commissioner of Accounts and Finances shall appoint the City Clerk as the Budget Officer, with the approval of the City Council.

(A)           The Budget Officer may hold another municipal office, either elected or appointed, and may receive compensation for both offices.

(B)           The Budget Officer shall receive as compensation for his services such amounts as shall from time to time be fixed by the City Council.

(C)           The Budget Officer shall take an oath and provide a bond as required by **65 ILCS 5/3.1-10-30.**

(D)           The Budget Officer shall serve at the pleasure of the Mayor.

**1-2-65**     **POWERS AND DUTIES.**   The Budget Officer shall have the following powers and duties:

(A)           Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all City departments, commissions, and boards.

(B)           Compile an annual budget in accordance with **Section 1-2-66.**

(C)           Examine all books and records of all City departments, commissions, and boards which relate to monies received by the City, City departments, commissions, and boards, and paid out by the City, City departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the City, City departments, commissions, and boards.

(D)           Obtain such additional information from the City, City departments, commissions, boards as may be useful to the Budget Officer for purposes of compiling a City budget, such information to be furnished by the City, City departments, commissions, and boards in the form required by the Budget Officer. Any department, commission or board which refuses to make such information as is requested of it available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the City until such City department, commission, or board shall comply in full with the request of the Budget Officer.

(E)           Establish and maintain such procedures as shall insure that no expenditures are made by the City, City departments, commissions, or boards except as authorized by the budget.

**1-2-66      COMPILATION AND CONTENT OF BUDGET.** The Budget Officer shall compile a budget, such budget to contain estimates of revenues available to the City for the fiscal year for which the budget is drafted, together with recommended expenditures for the City and all of the City's departments, commissions, and boards. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. Substantial conformity to a chart of accounts, now or in the future, recommended by the National Committee on Governmental Accounting, or the Auditor of Public Accounts of the State, or the Division of Local Government Affairs and Property Taxes of the Department of Revenue of the State or successor agencies shall be deemed proof of such conformity. The budget shall contain actual or estimated revenues and expenditures for the **two (2) years** immediately preceding the fiscal year for which the budget is prepared. So far as is possible, the fiscal data for such **two (2)** preceding fiscal years shall be itemized in a manner which is in conformity with the chart of accounts approved above. Each budget shall show the specific fund from which each anticipated expenditure shall be made.

**1-2-67      PUBLIC INSPECTION, NOTICE AND HEARING ON BUDGET.** The City Council shall make the tentative annual budget conveniently available to public inspection for at least **ten (10) days** prior to the passage of the annual budget, by publication in the journal of the proceedings of the Council or in such other form as the Council may prescribe. Not less than **one (1) week** after the publication of the tentative annual budget, and prior to final action on the budget, the Council shall hold at least **one (1)** public hearing on the tentative annual budget, after which hearing or hearings the tentative budget may be further revised and passed without any further inspection, notice or hearing. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the City at least **one (1) week** prior to the time of the hearing.

**1-2-68      PASSAGE OF ANNUAL BUDGET.** Passage of the annual budget by the City Council shall be in lieu of passage of the appropriation ordinance as required by **65 ILCS 5/8-2-9**. The annual budget need not be published except in a manner provided for in **Section 1-2-67**. The annual budget shall be adopted by the City Council before the beginning of the fiscal year to which it applies.

**1-2-69      CAPITAL IMPROVEMENT, REPAIR OR REPLACEMENT FUND.** In the preparation by the Budget Officer of the annual budget, **three percent (3%)** of equalized assessed value of property subject to taxation by the City may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repairs or replacements of specific types of City equipment or other tangible property, both real and personal, to be designated as the "Capital Improvement, Repair or Replacement Fund." Expenditures from the capital



improvement, repair or replacement fund shall be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur. Upon the completion or abandonment of any object for which the capital improvement, repair or replacement fund, or should any surplus monies remain after the completion or abandonment of any object for which the capital improvement, repair or replacement fund was inaugurated, then such funds no longer necessary for capital improvement, repair or replacement shall be transferred into the general corporate fund of the City on the **first (1<sup>st</sup>) day** of the fiscal year following such abandonment, completion, or discovery of surplus funds.

**1-2-70 FUNDS FOR CONTINGENCY PURPOSES.** The annual budget may contain money set aside for contingency purposes not to exceed **ten percent (10%)** of the total budget, less the amount set aside for contingency purposes, which monies may be expended for contingencies upon a majority vote of the City Council then holding office.

**1-2-71 REVISION OF ANNUAL BUDGET.** The City Council may delegate authority to heads of City departments, boards, or commissions to delete, add to, change or create subclasses within object classes budgeted previously to the department, board, or commission, subject to such limitation or requirement for prior approval by the Budget Officer or executive officer of the City as the Council, upon a **two-thirds (2/3) vote** of the Council then holding office, may establish. By a vote of **two-thirds (2/3)** of the members of the Council then holding office, the annual budget for the City may be revised by deleting, adding to, changing or creating subclasses within object classes and object classes themselves. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.

**1-2-72 - 1-2-74 RESERVED.**

## **DIVISION IX - CITY ATTORNEY**

**1-2-75**      **SERVICES OF ATTORNEY.** The Attorney shall have full charge of the law affairs of the City, and shall be known as the City Attorney, or Corporation Counsel and shall receive reasonable fees for services rendered when, in his judgment, or in the judgment of the Mayor or the Council, the same are necessary or for the best interests of the City.

**1-2-76**      **PROSECUTE FOR CITY.** The City Attorney shall prosecute or defend on behalf of the City, in all cases in which the interests of the corporation or any officer thereof are involved; and the City Clerk shall furnish him with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

**1-2-77**      **PREPARATION OF ORDINANCES.** He shall, when required, advise the Council or any officer in all matters of law in which the interests of the corporation are involved, and he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Mayor, the Council, or any committee thereof.

**1-2-78**      **JUDGMENTS.** He shall direct executions to be issued upon all judgments recovered in favor of the City, and he shall direct their prompt service. He shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the City therefore.

**1-2-79**      **DEPARTMENT ADVISOR.** He shall act as the legal advisor for the Water and Sewer Departments, for the Plan Commission and he shall perform the legal services required of the Departments and/or Boards and Commissioners.

**1-2-80**      **VIOLATIONS OF ORDINANCES.** He shall institute and prosecute an action in every case of violation of a City ordinance when instructed to do so by the Mayor or the City Council.

**1-2-81**      **PROSECUTION OF SUITS.** He shall not be required to prosecute any suit or action arising under the ordinances of the City when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable. **(See 65 ILCS Sec. 5/3.1-30-5)**

**1-2-82 - 1-2-83 RESERVED.**

## **DIVISION X - CITY ENGINEER**

**1-2-84**      **OFFICE CREATED.** There is hereby created the office of City Engineer, who may be appointed annually on the **first (1st) day of May** or as soon thereafter as may be, by a majority vote of the City Council. He shall hold his office until a successor is appointed and has qualified.

**1-2-85**      **MAPS, PLATS AND RECORDS.** The City Engineer shall keep accurate maps, plats and records of all public works, lands or property owned by the City.

**1-2-86**      **DUTIES.** He shall advise the Council on all engineering matters referred to him, and shall perform such duties as are provided by law or ordinance, and in addition thereto, such other duties as from time to time may be imposed upon him by the Council.

He shall, from time to time as required by the Council, make reports or such other work as the Council may request, and shall make such suggestions to the City Council, regarding the same, as shall, in his judgment, seem best and proper.

**1-2-87 - 1-2-89**      **RESERVED.**

## **DIVISION XI – PUBLIC WORKS DIRECTOR**

**1-2-90**      **POSITION CREATED.** There is hereby created the position of "Public Works Director," which position shall be appointed by the Mayor with majority vote of the City Council.

**1-2-91**      **DUTIES.** It shall be the duties of the Public Works Director to work with all the departments (water, wastewater treatment plant, streets, City Clerk's employees, water and sewer billings, janitors, and health officers), and to perform such other duties as may be delegated to him by the Mayor and the City Commissioners. The judgment of the Mayor and the City Council shall take precedence over the Public Works Director.

**1-2-92**      **ACCOUNTABILITY AND POWERS.**  
(A)            The Public Works Director shall be accountable to all City Commissioners and to the Mayor.  
(B)            The powers and duties hereinabove granted to the Public Works Director shall not supersede or be considered superior to any powers and authority to direct workforce hereinbefore granted in this Code to the various Commissioners or to the Mayor. **(See Chapters 34 and 39)**

**1-2-93**      **COMPENSATION.** The position of Public Works Director shall be compensated as determined by the majority vote of the City Council in the annual budget.

**1-2-94 - 1-2-95**      **RESERVED.**

**(Ord. No. 2001-005-04)**

## **DIVISION XII – CITY ADMINISTRATOR**

**1-2-96**      **CREATION.** There is hereby created the position of "City Administrator," which position shall be appointed by the Mayor with advice and consent of the City Council.

**1-2-97**      **TERM OF OFFICE.** The City Administrator shall serve at the pleasure of the City Council.

**1-2-98**      **QUALIFICATIONS.** The City Administrator shall be appointed on the basis of education and professional ability. The appointment shall be made without regard to political considerations, race, religion, age, or gender. The successful candidate need not be a resident of the City at the time of appointment, but shall become a resident of the City within **one hundred eighty (180) days** of assuming office, unless the residency requirement is waived by the City Council.

**1-2-99**      **DUTIES OF CITY ADMINISTRATOR.** The City Administrator shall:

- (A)            Coordinate the activities of the various departments of the City;
- (B)            Oversee the day-to-day activities of each department through the appropriate department heads; Keep the Mayor and City Council informed of the activities of the various departments;
- (C)            Keep the Mayor and City Council informed of the fiscal condition of each of the City's funds;
- (D)            Act as purchasing agent for the City within limitations and under conditions as established from time-to-time by the Mayor and the City Council;
- (E)            Recommend personnel actions to the Mayor and City Council, including original appointment, salary and wage adjustments, promotions, demotions, lay-offs, suspensions, discharges, and other disciplinary actions;
- (F)            Attend all meetings of the City Council, unless excused from attending;
- (G)            Effectively and efficiently administer the policies adopted by the City Council;
- (H)            Recommend various courses of actions to the Mayor and City Council along with possible alternatives;
- (I)            Promote good relations with other governmental agencies and the public;
- (J)            Coordinate the enforcement of ordinances and the codes of the City;
- (K)            Perform such other duties which may be required of him from time to time by the Mayor and City Council.

**1-2-100**      **SALARY.** The salary of the City Administrator shall be as determined by the Mayor and City Council from time to time.

**1-2-101**      **OTHER OFFICES.** The position of City Administrator shall not exclude the possibility that the City Administrator might hold other appointed offices within the City, such as City Clerk, or Treasurer, so long as such dual office holding is not otherwise forbidden by law.

**(Ord. No. 2009-005-03; 06-08-09)**

## ARTICLE III - SALARIES

**1-3-1**        **ESTABLISHED.** The Mayor and the City Commissioners shall be paid as compensation for their services salary, payable monthly as the Commissioners shall determine, in the sum hereinafter set forth opposite the designated office:

(A)            **Department of Public Affairs.** Mayor: **Four Thousand Two Hundred Dollars (\$4,200.00)** per annum, with an additional salary of **Seventy-Five Dollars (\$75.00)** being paid to the Mayor for each regular meeting of the City Council which the Mayor attends. No additional salary shall be payable for special meetings.

(B)            **Department of Accounts and Finance.** This person shall receive **Three Thousand Dollars (\$3,000.00)** per annum plus **Sixty-Five Dollars (\$65.00)** per meeting.

(C)            **Department of Public Health and Safety.** This person shall receive **Three Thousand Dollars (\$3,000.00)** per annum plus **Sixty-Five Dollars (\$65.00)** per meeting.

(D)            **Department of Streets and Public Improvements.** This person shall receive **Three Thousand Dollars (\$3,000.00)** per annum plus **Sixty-Five Dollars (\$65.00)** per meeting.

(E)            **Department of Public Property.** This person shall receive **Three Thousand Dollars (\$3,000.00)** per annum plus **Sixty-Five Dollars (\$65.00)** per meeting.

**1-3-2**        **CITY CLERK.** The City Clerk shall receive a salary as determined by the annual budget with no overtime or compensation time.

**1-3-3**        **CITY TREASURER.** The City Treasurer shall receive a salary as determined by the annual budget.

**(See 65 ILCS Sec. 5/4-6-1)**

**[ED. NOTE: The salaries of elected officials who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least one hundred eighty (180) days before the beginning of the terms of the officers whose compensation is to be filed.**

**The ordinance fixing compensation for members of the corporate authorities shall specify whether those members are to be compensated (i) at an annual rate or, (ii) for each meeting of the corporate authorities actually attended if public notice of the meeting was given.]**

## ARTICLE IV – ETHICS CODE

**1-4-1**      **DEFINITIONS.** For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"Campaign for Elective Office"** means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

**"Candidate"** means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in **10 ILCS 5/1-3**.

**"Collective Bargaining"** has the same meaning as that term is defined in **5 ILCS 315/3**.

**"Compensated Time"** means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

**"Compensatory Time Off"** means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

**"Contribution"** has the same meaning as that term is defined in the Election Code (**10 ILCS 5/9-1.4**).

**"Employee"** means a person employed by the City, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

**"Employer"** means the City of DuQuoin.

**"Gift"** means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

**"Leave of Absence"** means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

**"Officer"** means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

**"Political Activity"** means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

**"Political Organization"** means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (**10 ILCS 5/9-3**), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

**"Prohibited Political Activity"** means:

(A) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(B) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(C) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(D) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(E) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(F) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(G) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(H) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(I) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(J) Preparing or reviewing responses to candidate questionnaires.

(K) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.



(L) Campaigning for any elective office or for or against any referendum question.

(M) Managing or working on a campaign for elective office or for or against any referendum question.

(N) Serving as a delegate, alternate, or proxy to a political party convention.

(O) Participating in any recount or challenge to the outcome of any election.

**"Prohibited Source"** means any person or entity who:

(A) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(B) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(C) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(D) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

#### **1-4-2 PROHIBITED POLITICAL ACTIVITIES.**

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the City in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(D) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Article.

(E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

**1-4-3      GIFT BAN; EXCEPTIONS.**

(A)      **Gift Ban.** Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

(B)      **Exceptions.** Section 1-4-1(A) is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift

also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- (8) Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

**1-4-4 DISPOSITION OF GIFTS.** An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

**1-4-5 ETHICS ADVISOR.** The Mayor, with the advice and consent of the City Council, hereby designates the Perry County Ethics Advisor to act on its behalf in all matters pertaining to this Section. The duties of the Ethics Advisor may be delegated to an officer or employee of Perry County unless the position has been created as an office by Perry County.

The Perry County Ethics Advisor shall provide guidance to the officers and employees of the City concerning the interpretation of and compliance with the provisions of this Article and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by Perry County.

**1-4-6            ETHICS COMMISSION.**

(A)            The Mayor and City Council designate the Perry County Ethics Commission to act on its behalf in all matters pertaining to this Section. There is a commission known as the Ethics Commission of Perry County. The Commission shall be comprised of **three (3) members** appointed by the Chairman of the Perry County Board, with the advice and consent of the Perry County Board. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of Perry County.

(B)            At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. **Two (2)** commissioners shall serve **two (2) year** terms, and the third commissioner shall serve a **one (1) year** term. Thereafter, all commissioners shall be appointed to **two (2) year** terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any **two (2)** commissioners. A quorum shall consist of **two (2)** commissioners, and official action by the Commission shall require the affirmative vote of **two (2) members**.

(C)            The Chairman of the Perry County Board, with the advice and consent of the Perry County Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than **ten (10) days'** notice. Vacancies shall be filled in the same manner as original appointments.

(D)            The Commission shall have the following powers and duties:

- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with **Section 1-4-8(C)** of this Article and refer violations of **Section 1-4-2** or **Section 1-4-3** of this Article to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Article and not upon its own prerogative.
- (3) To receive information from the public pertaining to its investigations and to require additional information and

documents from persons who may have violated the provisions of this Article.

- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Village to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- (5) The powers and duties of the Commission are limited to matters clearly within the purview of this Article.

#### **1-4-7 COMPLAINTS.**

(A) Complaints alleging a violation of this Article shall be filed with the Ethics Commission.

(B) Within **three (3) business days** after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within **three (3) business days** after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(C) Upon not less than **forty-eight (48) hours'** public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within **seven (7) business days** after receiving the complaint.

- (1) If the complaint is deemed sufficient to allege a violation of **Section 1-4-3** of this Article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within **four (4) weeks** after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return

receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

- (2) If the complaint is deemed sufficient to allege a violation of **Section 1-4-2** of this Article, then the Commission shall notify in writing the attorney designated by the Corporate Authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(D) On the scheduled date and upon at least **forty-eight (48) hours'** public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(E) Within **thirty (30) days** after the date the hearing or any recessed hearing is concluded, the Commission shall either: (a) dismiss the complaint or (b) issue a recommendation for discipline to the alleged violator and to the Mayor or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(F) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within **seven (7) business days** after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within **fourteen (14) days** after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least **forty-eight (48) hours'** public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within **seven (7) days** thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Mayor or impose a fine upon the violator, or both.

(G) If a complaint is filed during the **sixty (60) days** preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (5) within **seven (7) days** after the complaint is filed, and during the **seven (7) days** preceding that election, the Commission shall render such decision before the date of that election, if possible.

(H) The Commission may fine any person who intentionally violates any provision of **Section 1-4-3** of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may recommend any appropriate discipline up to and including discharge.

(I) A complaint alleging the violation of this Act must be filed within **one (1) year** after the alleged violation.

**1-4-8            PENALTIES.**

(A)            A person who intentionally violates any provision of **Section 1-4-2** of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(B)            A person who intentionally violates any provision of **Section 1-4-3** of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**.

(C)            Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(D)            A violation of **Section 1-4-2** of this Article shall be prosecuted as a criminal offense by an attorney for the City by filing in the circuit court any information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of **Section 1-4-3** of this Article may be prosecuted as a quasi-criminal offense by an attorney for the City, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E)            In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of **Section 1-4-2** or **1-4-3** of this Article is subject to discipline or discharge.

**(Ord. No. 2004-004-03; 05-10-04)**

## ARTICLE V – INVESTMENT POLICY

**1-5-1 SCOPE.** This policy applies to the investment of short-term operating funds. Longer-term funds, including investments of employee's investment retirement funds and proceeds from certain bond issues, are covered by a separate policy.

(A) **Pooling of Funds.** Except for cash in certain restricted and special funds, the entity will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

**1-5-2 GENERAL OBJECTIVES.** The primary objectives, in priority order, of investment activities shall be safety, liquidity and yield:

(A) **Safety.** Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

(1) **Credit Risk.** The entity will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- (a) Limiting investments to the safest types of securities.
- (b) Pre-qualifying the financial institution, broker/dealers, intermediaries, and advisors with which an entity will do business.
- (c) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

(2) **Interest Rate Risk.** The entity will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- (a) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- (b) Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

(B) **Liquidity.** The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio



also may be placed in money market mutual funds or local government investment pools, which offer same-day liquidity for short-term funds.

(C) **Yield.** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- (1) A declining credit security may be sold early to minimize loss of principal.
- (2) A security swap would improve the quality, yield, or target duration in the portfolio.
- (3) Liquidity needs of the portfolio require that the security be sold.

### **1-5-3 STANDARDS OF CARE.**

(A) **Prudence.** The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(B) **Ethics and Conflicts of Interest.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any materials interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.

(C) **Delegation of Authority.** Authority to manage the investment program is granted to the City Treasurer and derived from the following: Section 31.060 of the City of DuQuoin Code of Ordinances. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should

include references to: safekeeping, delivery vs. payment, investment accounting,

repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

#### **1-5-4            SAFEKEEPING AND CUSTODY.**

(A)            **Authorized Financial Dealer and Institutions.** As list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a minimum capital requirement of \$10,000,000 and at least **five (5) years** of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 1C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- (1) Audited financial statements.
- (2) Proof of National Association of Securities Dealers (NASD) certification.
- (3) Proof of state registration.
- (4) Completed broker/dealer questionnaire.
- (5) Certification of having read the entity's investment policy.

An annual review of the financial condition and registration of qualified bidders will be conducted by the investment officer. (See the GFOA Recommended Practice on "Governmental Relationships with Securities Dealers," in Appendix 2.)

From time to time, the investment officer may choose to invest in instruments offered by minority and community financial institutions. In such situations, a waiver to the criteria under paragraph (A) may be granted. All terms and relationships will be fully disclosed prior to purchase and will be reported to the appropriate entity on a consistent basis and should be consistent with state or local law. These types of investment purchases should be approved by the appropriate legislative or governing body in advance.

(B)            **Internal Controls.** The investment officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designated to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the investment officer shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- (1) Control of collusion.
- (2) Separation of transaction authority from accounting and record keeping.
- (3) Custodial safekeeping.
- (4) Avoidance of physical-delivery securities.
- (5) Clear delegation of authority to subordinate staff members.
- (6) Written confirmation of telephone transactions for investments and wire transfers.
- (7) Development of a wire transfer agreement with the lead bank of third party custodian.

(C) **Delivery vs. Payment.** All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third party custodian as evidenced by safekeeping receipts.

#### **1-5-5 SUITABLE AND AUTHORIZED INVESTMENTS.**

(A) **Investment Types.** Consistent with the GFOA Recommended Practice on State Statutes Concerning Investment Practices, the following investments will be permitted by this policy and are those defined by state law where applicable:

- (1) U.S. Government obligations, U.S. Government agency obligations, and U.S. Government instrumentality obligations, which have a liquid market with a readily determinable market value;
- (2) Canadian government obligations (payable in local currency);
- (3) Certificates of deposit and other evidences of deposit at financial institutions, bankers' acceptances, and commercial paper, rated in the highest tier (e.g., A-1, P-1, D-1, or F-1 or higher) by a nationally recognized rating agency;
- (4) Investment-grade obligations of state, provincial and local governments and public authorities;
- (5) Repurchase agreements whose underlying purchased securities consist of the foregoing;
- (6) Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities; and
- (7) Local government investment pools.

Investment in derivatives of the above instruments shall require authorization by the appropriate governing authority. (See the GFOA Recommended Practice on "Use of Derivatives by State and Local Governments," 1994.)

(B) **Collateralization.** Where allowed by state law and in accordance with the GFOA Recommended Practices on the Collateralization of Public Deposits, full collateralization will be required on non-negotiable certificates of deposit. (See GFOA Recommended Practices, Appendix 2.)

(C) **Repurchase Agreements.** Repurchase agreements shall be consistent with GFOA Recommended Practices on Repurchase Agreements. (See GFOA Recommended Practices, Appendix 2.)

**1-5-6 INVESTMENT PARAMETERS.**

(A) **Diversification.** The investments shall be diversified by:

- (1) Limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
- (2) Limiting investment in securities that have higher credit risks;
- (3) Investing in securities with varying maturities; and
- (4) Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations. (See the GFOA Recommended Practice on "Diversification of Investments in a Portfolio" in Appendix 2.)

(B) **Maximum Maturities.** To the extent possible, the entity shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the entity will not directly invest in securities maturing more than **five (5) years** from the date of purchase or in accordance with state and local statutes and ordinances. The entity shall adopt weighted average maturity limitations, consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding **five (5) years** if the maturity of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in these types of securities shall be disclosed in writing to the legislative body. (See the GFOA Recommended Practice on "Maturities of Investments in a Portfolio" in Appendix 2.)

**1-5-7 REPORTING.**

(A) **Methods.** The investment officer shall prepare an investment report at least quarterly, including a succinct management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the entity to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the investment officer, the legislative body, and any pool participants. The report will include the following:

- (1) Listing of individual securities held at the end of the reporting period.

- (2) Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over **one (1) year** duration that are not intended to be held until maturity (in accordance with GASB requirements).
- (3) Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks.
- (4) Percentage of the total portfolio which each type of investment represents.

(B) **Performance Standards.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on regular basis.

(C) **Marking to Market.** The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed consistent with the GFOA Recommended Practice on Mark-to-Market Practices for State and Local Government Investment Portfolios and Investment Pools. (See GFOA Recommended Practices, Appendix 2.)

#### **1-5-8 POLICY CONSIDERATIONS.**

(A) **Exemption.** Any investment currently held that does not meet guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

(B) **Amendment.** This policy shall be reviewed on an annual basis. Any changes must be approved by the investment officer and any other appropriate authority, as well as the individual(s) charged with maintaining internal controls.

## **ARTICLE VI - MANAGEMENT ASSOCIATION**

**1-6-1      PARTICIPATION.** The City Council does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the Mayor and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of **one (1) year** beginning the date the Association commences providing risk coverage to its members and each year thereafter unless this ordinance is repealed.

**1-6-2      CONTRIBUTION.** Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's first year contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the City, and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of the Association.

## **ARTICLE VII – MEETING PROCEDURES**

### **DIVISION I – RECORDING CLOSED MEETINGS**

**1-7-1      RECORDING CLOSED SESSIONS.** The City shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the City or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

**1-7-2      RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS.** The City Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the City Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the City Council. Each subsidiary public body of the City shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the City Clerk with a copy of such recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the City and all subsidiary public bodies of the City.

**1-7-3      CLOSED SESSION MINUTES.** In addition to the recordings of the closed and executive session as addressed in this Division, the City will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

**1-7-4      PROCEDURE FOR RECORDING.** At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

**1-7-5      BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION.** The City shall maintain sufficient tapes, batteries and equipment for the City to comply with this Division. The City Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any



malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

**1-7-6 PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS.** At one meeting at least every **six (6) months**, the agenda shall include the item: "Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released." Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the City find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the "need for confidentiality still exists" as to those minutes. Minutes of closed sessions shall be kept indefinitely.

**1-7-7 MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES.** The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the corporate authorities may listen to the closed session recordings in the presence of the City Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the City Council.

**1-7-8 PROCEDURE FOR DESTRUCTION OF RECORDINGS.** The City Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

(A) The corporate authorities of the City have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;

(B) More than **eighteen (18) months** have elapsed since the date of the closed session;

(C) There is no court order requiring the preservation of such recording; and

(D) The corporate authorities of the City have not passed a motion requiring the preservation of the verbatim recording of that meeting.

**1-7-9 - 1-7-10 RESERVED.**

## **DIVISION II – REMOTE MEETING PARTICIPATION**

**1-7-11      STATUTORY AUTHORITY FOR PARTICIPATION.** Pursuant to Public Act 94-1058 which amends the Open Meetings Act in **5 ILCS 120/7**, this City does hereby establish a policy that permits members of the corporate body to attend meetings by means other than physical presence. **(See Appendix "A")**

**1-7-12      DEFINITION OF MEETING.** The term "meeting" shall mean "any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business" or such other definition as shall be contained within the state statutes.

**1-7-13      AMENDMENT OF PREVIOUS TERMS.** The definition of "meeting" set forth in **Section 1-7-12** shall supersede and replace any other definition used in any previous or existing ordinance.

**1-7-14      REMOTE PARTICIPATION POLICY.** The City hereby adopts the Remote Participation Policy, as outlined in Addendum "A", that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.

**(Ord. No. 2007-001-03)**