

CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I - PLANNING COMMISSION

4-1-1 **ESTABLISHED.** A Planning Commission is hereby created under authority of **Illinois Compiled Statutes, Chapter 65; Section 5/11-12-4 through 5/11-12-12.**

4-1-2 **MEMBERSHIP.** The Planning Commission shall consist of **seven (7) member**, the members to be residents of the City, appointed by the Mayor on the basis of their particular fitness for their duty on the Planning Commission and subject to the approval of the City Council.

4-1-3 **TERM OF OFFICE.** The members shall serve for a period of **three (3) years**. Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the Council deems it advisable, they may receive such compensation as provided by the appropriation ordinance. **(See 65 ILCS Sec. 5/11-12-6)**

4-1-4 **PROCEDURE.** The Planning Commission shall elect such officers as it may deem necessary and adopt rules and regulations or organization and procedure consistent with the City Code and State law. The Commission shall keep written records of its proceedings. It shall be open at all times for and to the inspection of the public, and the Commission shall file an annual report with the Mayor and City Council, setting forth its transactions and recommendations. **(See 65 ILCS Sec. 5/11-02-07)**

4-1-5 **POWERS AND DUTIES.** The Planning Commission shall have the following powers and duties:

(A) To prepare and recommend to the City Council, a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than **one and one-half (1 1/2) miles** beyond the corporate limits of the City, and not included in any other municipality.

Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof of the City. Such plan shall be advisory, except as to such part thereof as has been implemented by ordinances duly enacted by the City Council. All requirements for

public hearing, filing of notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances with the Municipal Clerk shall be complied with as provided by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the City and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

(B) To designate land suitable for annexation to the Municipality and the recommended zoning classification for such land upon annexation.

(C) To recommend to the City Council of this City, from time to time, such changes in the comprehensive plan, or any part thereof, as may be deemed necessary.

(D) To prepare and recommend to the City Council, from time to time, plans and/or recommendations for specific improvements in pursuance of the official comprehensive plan.

(E) To give aid to the officials of the City charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the official comprehensive plan.

(F) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(G) To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area, subject to approval of the City Council.

(H) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, as may be conferred by the City Council.

4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times, before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan or **one (1)** or more separate geographical or functional parts and may include all or any parts of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Municipal Clerk shall be complied with as provided for by law. No map or

plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the City or within contiguous territory which is not more than **one and one-half (1 1/2) miles** beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map.

4-1-7 IMPROVEMENTS. The City Clerk shall furnish the Planning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Planning Commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the City Council.

4-1-8 FURTHER PURPOSES. The Commission shall recommend the boundaries of districts for land use and shall recommend regulations to the corporate authorities for the following:

(A) To regulate and limit the height and bulk of buildings hereafter to be erected.

(B) To establish, regulate and limit the building or setback lines on or along any street, traffic-way, drive, parkway, or storm or floodwater run-off channel or basin.

(C) To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings.

(D) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.

(E) To divide the entire Municipality into districts of such number, shape, area, and of such different classes, (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification), as may be deemed best suited to carry out the purpose of this Section.

(F) To fix standards to which buildings or structures therein shall conform.

(G) To prohibit uses, buildings, or structures incompatible with the character of such districts.

(H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Section.

4-1-9 EXPENDITURES. Expenditures of the Commission shall be at the discretion of the City Council and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the City Council and appropriations by the City Council therefor.

ARTICLE II

BOARD OF FIRE AND POLICE COMMISSIONERS

4-2-1 **APPOINTMENT AND TERM OF OFFICE.** The Board of Police and Fire Commissioners is hereby recognized as established in accordance with the Statutes of the State of Illinois. This Board shall consist of **five (5) members** whose terms of office shall be **three (3) years** and until their respective successors are appointed and have qualified; and **one (1) member** shall be appointed each year by the Mayor with the advice and consent of the City Council, provided that no such appointments shall be made by any Mayor within **thirty (30) days** before the expiration of his term of office. **(65 ILCS 5/10-2.1-1) (Ord. No. 2005-07-01)**

[NOTE: The City has exercised its home rule powers by increasing the Board from 3 to 5 members.]

4-2-2 **VACANCIES; QUORUM.** Vacancies on the Board of Fire and Police Commissioners shall be filled in the same manner as the original appointment. Each year the Board shall elect a Chairman at the annual meeting. A majority of the Board shall constitute a quorum for the conduct of business. **(65 ILCS 5/10-2.1-2)**

4-2-3 **OATH; BOND; REMOVAL.** The members of the Board shall be considered officers of the Municipality, and shall file an oath and a fidelity bond in the amount of **One Thousand Dollars (\$1,000.00)**, the premium of which shall be paid by the City. No person holding a lucrative office under the United States, this State, or any municipality shall be a member of the Board or the Secretary thereof. The acceptance of any such office by a member of the Board shall be treated as a resignation of his office as a member of the Board or the Secretary thereof. No person shall be appointed a member of the Board of Fire and Police Commissioners who has been convicted of a felony under the laws of this State or comparable laws of any other state or the United States. No person shall be appointed a member of the Board of Fire and Police Commissioners who is related, either by blood or marriage up to the degree of first cousin, to any elected official of such Municipality. No more than **three (3) members** of the Board shall belong to the same political party existing in such Municipality at the time of such appointments and as defined in **Section 10-2** of the Election Code. If only **one (1)** or no political party exists in such Municipality at the time of such appointments, then state or national political party affiliations shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed as a member of the Board.

Members shall not be subject to removal, except for cause, upon written charges, and after an opportunity to be heard within **thirty (30) days** in his or their own defense, before a regular meeting of the City Council. A majority vote of the elected members of such governing body shall be required to remove any such member from office. **(65 ILCS 5/10-2.1-3) (Ord. No. 2005-07-01)**

4-2-4 APPOINTMENTS. The Board shall make rules for the appointment, promotion, and removal of all full-time police and fire officers on the basis of merit alone. The City hereby expressly reserves the power as provided by the laws of the State of Illinois to approve any and all rules adopted by the Board of Fire and Police Commissioners and no rules shall be effective unless first approved by the City Council. The Board shall investigate all charges of improper conduct, hold hearings on the same, and act in accordance with their findings and rules.

The Board of Fire and Police Commissioners shall have charge of all appointments to the Police Department excluding the Chief of Police, the Fire Chief, the Assistant Police Chief, and the Assistant Fire Chief shall conduct and hold all entrances and promotional examinations in the manner required by **65 ILCS 5/10-2.1**.

4-2-5 ANNUAL REPORTS. The Board shall submit to the Council an annual report of its activities and of the rules in force and the practical effect thereof. In this report, the Board may make suggestions which the Board believes would result in greater efficiency in the Police Department. The report shall be prepared and presented to the City Council not later than **thirty (30) days** after the expiration of the fiscal year of the City. The Board shall also submit an annual budget request to the City Council prior to **October 30th** of each year. The Mayor shall transmit the report to the City Council for review. (**65 ILCS 5/10-2.1-19**)

4-2-6 ADOPTION. The City does hereby adopt by reference the provisions contained in **Chapter 65 Sec. 5/10-2.1** entitled Board of Fire and Police Commissioners of the **Illinois Compiled Statutes** as passed, approved, and amended to be controlling within the City unless otherwise provided for in this Article. (**Also See 50 ILCS Sec. 705/1 et seq. and Sec. 740/1 et seq.**)

4-2-7 PERSONNEL RULES. The Board of Fire and Police Commissioners is hereby instructed and directed to make the necessary amendments to the Personnel Rules, the Manual of Rules of the City Police Department, and Rules of the Board of Fire and Police Commissioners, requiring that any person appointed to the Police Department pursuant to the provisions of **65 ILCS 5/10-2.1-26** and the Illinois Police Training Act shall not become a regular member of the Police Department until and unless he shall have completed the approved training course within **six (6) months** of the date of his initial employment.

Furthermore, the Board of Fire and Police Commissioners, be and it is hereby authorized by the City, pursuant to the City's Home Rule powers, that if the Board of Fire and Police Commissioners deems it in the best interest of the City to amend its rules to permit applicants over the age of **thirty-five (35) years** of age to test for positions in the City's Fire and Police Departments, it shall have the authority to do so. (**Ord. No. 2004-012-07; 12-23-04**)

(**Ord. No. 1111; 05-20-66 in part**)

ARTICLE III

POLICE PENSION FUND

4-3-1 **BOARD ESTABLISHED.** In accordance with the provisions of the **Illinois Compiled Statutes** the City does hereby establish a Police Pension Fund. **(See 40 ILCS Sec. 5/3-101.)**

4-3-2 **DEFINITIONS.** The terms used in this Article shall have the meanings ascribed to them in **Sections 5/3-103 through 5/3-108.1 in Chapter 40 of the Illinois Compiled Statutes**, except when the context otherwise requires.

4-3-3 **BOARD MEMBERSHIP.** A Board of **five (5) members** shall constitute the Board of Trustees of the Police Pension Fund to administer the pension fund and to designate the beneficiaries thereof. **Two (2) members** of the Board shall be appointed by the Mayor. The **third (3rd)** and **fourth (4th) members** of the Board shall be elected from the active participants of the pension fund by such active participants. The **fifth (5th) member** shall be elected by and from the beneficiaries.

4-3-4 **TERM.** The members of the Pension Board shall serve for **two (2) years** or until their successors are appointed and have qualified. The term shall begin on the **second (2nd) Tuesday** of the **first (1st) May** after the election. **(See 40 ILCS Sec. 5/3-128)**

4-3-5 **ELECTION OF BOARD MEMBERS.** The election provided for in this Article for elected Board members shall be held biennially on the **third (3rd) Monday** in April at such place as shall be prescribed by the appointed members of the Board and shall be under the Australian Ballot system.

The active pension fund participants shall be entitled to vote only for the active participant members of the Board. All beneficiaries of legal age may vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than **one (1) ballot** at such election.

Members of the Board shall neither receive nor have any right to receive any salary from the pension fund for services performed as trustees in that office. **(See 40 ILCS Sec. 5/3-128)**

4-3-6 **VACANCY.** Upon the death, resignation or inability to act of any elected board member, a successor shall be elected for the unexpired term at a special election to be called by the Board and conducted in the same manner as the regular biennial election. **(See 40 ILCS Sec. 5/3-128)**

4-3-7 **MEETINGS.** The Pension Board shall meet in regular quarterly meetings on the **second (2nd) Tuesday of July, October, January, and April**, annually, and special meetings may be called by the President. The regular July meeting shall be an organizational meeting, at which the Board shall select from its members a President, Vice-President, Secretary and Assistant Secretary, to serve for the period of **one (1) year.** **(See 40 ILCS Sec. 5/3-130)**

4-3-8 **POWERS AND DUTIES OF BOARD.** The Board shall, in addition to the other powers and duties in this article, have the authority to:

(A) **Control and Manage the Pension Fund.** To control and manage, exclusively, the pension fund, and all money donated, paid or assessed for the pensioning of disabled and retired police officers, their surviving spouses, minor children and dependent parents. All such moneys shall be placed by the Treasurer of the Municipality to the credit of the fund, subject to the order of the Board.

(B) **Order Payments and Issue Certificates.** To order the payment of pensions and other benefits and to issue certificates signed by its President and Secretary to the beneficiaries stating the amount and purpose of the payment.

(C) **Submit Annual List of Fund Payments.** To submit annually to the City Council or Board of Trustees at the close of the Municipality's fiscal year, a list of persons entitled to payments from the fund, stating the amount of payments, and their purpose, as ordered by the Board. It shall also include items of income accrued to the fund during the fiscal year. The list shall be signed by the Secretary and President of the Board, and attested under oath. A resolution or order for the payment of money shall not be valid unless approved by a majority of the Board members, and signed by the President and Secretary of the Board.

(D) **Draw and Invest Funds.** To draw pension funds from the Treasurer, and invest any part thereof in the name of the Board in:

- (1) interest bearing bonds or tax anticipation warrants of the United States, of the State of Illinois, or of any county, township or municipal corporation of the State of Illinois;
- (2) insured withdrawable capital accounts of State chartered savings and loan associations;
- (3) insured withdrawable capital accounts of federal chartered federal savings and loan associations if the withdrawable capital accounts are insured by the Federal Savings and Loan Insurance Corporation;

- (4) insured investments in credit unions if the investments are insured by the National Credit Union Administration;
- (5) savings accounts or certificates of deposit of a national or State bank;
- (6) securities described in **Item 5.1 of Section 5/1-113 of Chapter 40 of the Illinois Compiled Statutes**, but only subject to the conditions therein set forth;
- (7) contracts and agreements supplemental thereto providing for investments in the general account of a life insurance company authorized to do business in Illinois;
- (8) separate accounts of a life insurance company authorized to do business in Illinois, comprised of common or preferred stocks, bonds, or money market instruments; and
- (9) separate accounts managed by a life insurance company authorized to do business in Illinois, comprised of real estate or loans upon real estate secured by first or second mortgages.

The total investment in such separate accounts shall not exceed **ten percent (10%)** of the aggregate book value of all investments owned by the fund. All securities shall be deposited with the Treasurer of the City, and be subject to the order of the Board. Interest on the investments shall be credited to the pension fund.

No bank or savings and loan association shall receive investment funds as permitted by this Section, unless it has complied with the requirements established pursuant to **Section 235/6 of Chapter 30 of the Illinois Compiled Statutes**, shall be applicable only at the time of investment and shall not require the liquidation of any investment at any time.

(E) **Subpoena Witnesses.** To compel witnesses to attend and testify before it upon all matters connected with the administration of this Article, in the manner provides by law for the taking of testimony in the circuit courts of this State. The President or any Board member, may administer oaths to witnesses.

(F) **Appoint Clerk.** To appoint a Clerk and define his duties. No person drawing a pension under this Article shall be employed by the Board.

(G) **Pay Expenses.** To provide for the payment from the fund of all necessary expenses, including clerk hire, printing and witness fees.

(H) **Keep Records.** To keep a public record of all its proceedings

(I) **Make Rules.** To make necessary rules and regulations in conformity with the provisions of this Article, and to publish and transmit copies from time to time to all pensioners and contributors.

(J) **Accept Donations.** To accept by gift, grant, transfer, or bequest, any money, real estate, or personal property. Such money and the proceeds from the sale of or the income from such real estate or personal property shall be paid into the pension fund. **(See 40 ILCS Sec. 5/3-130 through 5/3-140.1)**

4-3-9 ANNUAL REPORT BY TREASURER. On the **second (2nd) Tuesday in May** annually, the City Treasurer and all other officials of the Municipality who had the custody of any pension funds herein provided, shall make a sworn statement to the Pension Board, and to the Mayor and Council, of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the Treasurer shall be paid to the Treasurer of the City. Upon demand of the Pension Board, any official shall furnish a statement relative to the official method of collection or handling of the pension funds. All books and records of that official shall be produced at any time by him for examination and inspection by the Board. **(See 40 ILCS Sec. 5/3-141)**

4-3-10 PAYMENT OF BENEFITS - FUNDS INSUFFICIENT. Any police officer and any eligible surviving spouse, child or children, or dependent parent of the officer to whom the Board has ordered benefits to be paid, shall receive a yearly benefit payable in **twelve (12)** equal monthly installments, which shall be the aggregate amount to which they are entitled. If at any time there is not sufficient money in the fund to pay the benefits under this Article the City Council or Board of Trustees of the Municipality shall make every legal effort to replenish the fund so that all beneficiaries may receive the amounts to which they are entitled. If, thereafter, there still remain insufficient funds, the beneficiaries shall be paid pro rata from the available funds, but no allowance or order of the Board shall be held to create any liability against the Municipality, but only against the pension fund. **(See 40 ILCS Sec. 5/3-142)**

4-3-11 REPORT BY BOARD. The Board shall report to the City Council on the condition of the pension fund. Prior to the Council meeting held for the levying of taxes for the year for which the report is made. The Board shall certify:

- (A) The assets in its custody at such time;
- (B) The estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from all other sources; and
- (C) The estimated amount required during the calendar year to (1) pay all pensions and other obligations provided in this Article, and (2) to meet the annual requirements of the fund as provided in **Chapter 40; Sec. 5/3-125.** **(See 40 ILCS Sec. 5/3-143)**

4-3-12 DEDUCTIONS. There shall hereafter be deducted from the salaries of regular police officers of the City, the sum as may be required by law in the Police Pension Fund, and there shall also be placed in the fund such amount as shall annually be levied from general taxes to provide the reserves required by law. **(See 40 ILCS Sec. 5/3-125.1)**

4-3-13 FINANCING. The City Council shall annually levy a tax upon all the taxable property of the Municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to (1) the normal cost of the pension fund for the year involved, plus (2) the amount necessary to amortize the fund's unfunded accrued liabilities as provided in **Chapter 40; Sec. 5/3-127 of the Illinois Compiled Statutes**. The tax shall be levied and collected in the same manner as the general taxes of the Municipality, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the Municipality, and shall be in addition to the amount authorized to be levied for general purposes as provided by **Chapter 65; Sec. 5/8-3-1 of the Illinois Compiled Statutes**.

The police pension fund shall consist of the following moneys which shall be set apart by the Treasurer of the Municipality:

- (A) All moneys derived from the taxes levied hereunder;
- (B) Contributions by police officers under **Section 4-3-12** of this Article;
- (C) All moneys accumulated by the Municipality under any previous legislation establishing a fund for the benefit of disabled or retired police officers;
- (D) Donations, gifts or other transfers authorized by this Article. **(See 40 ILCS Sec. 5/3-125)**

(See 40 ILCS Secs. 5/3-101 through 5/3-152)

ARTICLE IV – FIREFIGHTERS PENSION BOARD

4-4-1 **BOARD ESTABLISHED.** Pursuant to the provisions of the Illinois Pension Code for municipalities with a population of **5,000** or more but less than **500,000** inhabitants, a Firefighter’s Pension Fund is established for the benefit of firefighters, their surviving spouses, children and certain other dependents, as provided in the aforesaid Illinois Pension Code. **(See 40 ILCS 5/4-101)**

4-4-2 **BOARD CREATED.** There is hereby created a Board to be known as the “**Board of Trustees of the Firefighter’s Pension Fund**”. The Board shall consist of **two (2) members** appointed by the Mayor, **two (2) members** shall be active participants of the Pension Fund, who are elected from the active participants of the fund and **one (1) member** of the Board shall be a person who is elected from all persons retired under this Article. A firefighter receiving a disability pension shall be considered a retired firefighter.

(A) The members of the Board to be chosen from the active and retired firefighters shall be elected by ballot in elections to be held on the **third (3rd) Monday** in **April**, under the Australian Ballot System at such place in the City as shall be prescribed by said Board. No person entitled to vote under the provisions of this Section shall cast more than **one (1) vote** at such election for each candidate for whom he shall be eligible to vote.

(B) In the election for members of the Board to be chosen from the active firefighters, only active firefighters and none other may vote; and in the election for members of the Board to be chosen from the retired firefighters, only the firefighters who have been so retired and none other, may vote. The officers herein elected shall be so elected and shall serve as provided by statutes of the State of Illinois for terms of **three (3) years** and until his or her successor has been duly elected and qualified. **(See 40 ILCS 5/4-121)**

4-4-3 **PENSION FUNDS.** The Firefighters Pension Fund shall consist of the following moneys which shall be set apart by the Treasurer of the City:

(A) All moneys derived from the taxes levied under **Article 4 of the Illinois Pension Code (40 ILCS 5/4-118)**;

(B) Contributions by firefighters under **40 ILCS 5/4-118.1**;

(C) All moneys accumulated by the City under any previous legislation establishing a fund for the benefit of disabled or retired firefighters;

(D) Donations, gifts or other transfers authorized by the **Illinois Compiled Statutes. (See 40 ILCS 5/3-129.1)**

4-4-4 **TAX LEVY.** The City Council shall annually levy and tax upon all the taxable property of the City at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of firefighters, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the firefighters pension fund. The annual requirements to be provided by such tax levy are equal to (1) the normal cost of the pension fund for the year involved, plus (2) the amount necessary to amortize the fund's unfounded accrued liabilities as provided by the **40 ILCS 5/4-120**. The tax shall be levied and collected in the same manner as the general taxes of the City, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the City. **(See 40 ILCS 5/4-118)**

4-4-5 **EMPLOYEE CONTRIBUTION.** Each firefighter shall contribute to the firefighter pension fund **9.455%** of his or her salary which shall be deducted monthly.

4-4-6 **VACANCIES AND RESIGNATIONS.** Upon the death, resignation, or inability to act of any elective Board member, his or her successor shall be elected for the unexpired term at a special election, to be called by the Board and conducted in the same manner as the regular election.

4-4-7 **COMPENSATION.** Members of the Board shall neither receive nor have any right to receive any salary from the Pension Fund for services performed as trustees in that office. **(See 40 ILCS 5/4-121)**

4-4-8 **QUARTERLY MEETINGS.** The Board may hold regular meetings in July, October, January and April, and special meetings as called by the President.

At the regular July meeting, the Board shall select from its members a president and secretary to serve for **one (1) year** and until their respective successors are elected and qualified. **(See 40 ILCS 5/4-122)**

4-4-9 **POWERS AND DUTIES.** The Board shall have the powers and duties provided in **Chapter 40, Article 4 of the Illinois Pension Code**, including those powers and duties stated in **Sections 5/4-123 through 5/4-129.1 of said Code.** **(See 40 ILCS 5/4-122)**

4-4-10 **ILLINOIS PENSION CODE ADOPTED.** Article 4 of Chapter 40 of the Illinois Pension Code is incorporated by reference herein. In case of any conflict between this Article and the statutes, the applicable provisions of the statutes shall control, and as said Code is amended from time to time, the provisions hereof, insofar as any variance may develop therefrom, if any, shall automatically be construed so as to conform therewith. **(See 40 ILCS 5/401 et seq.)**