

**CHAPTER 1 - 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 “Revised Code of Ordinances of the City.” 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, it’s 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. (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 the State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-1-6. (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 immediately 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 no less than an annual basis. (65 ILCS Sec. 5/1-2-3)

**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 Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The 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 this 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 upon termination of office or

separation of duties.

**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.

**DIVISION II - SAVING CLAUSE****1-1-6 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 included in this revision, and by necessary implication, herein reserved from repeal [subject to the savings clauses contained in the following sections], from which are excluded the following ordinances, which are not hereby repealed and which may not be contained in this Revised Code of Ordinances:

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; Salary Ordinances; 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.

**1-1-7 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 Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**1-1-8 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 claim arising under the former ordinance or in any way whatsoever 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 is 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 newly adopted 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 Code.

**1-1-9 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.

**1-1-10 City Clerk’s Certificate**

The City Clerk’s Certificate shall be substantially in the following form:

**CITY CLERK’S CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF MACOUPIN ) ss.  
CITY CLERK’S OFFICE )  
CITY OF BUNKER HILL )

I, Rhonda K. Whitworth, City Clerk of the City of Bunker Hill, Illinois, do hereby certify that the following Revised Code of Ordinances of the City of Bunker Hill, Illinois, published by authority of the City Council was duly passed by the City Council of the City of Bunker Hill, 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 hereof, I have set my hand and affixed the Corporate Seal of the City of Bunker Hill, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
RHONDA K. WHITWORTH  
CITY CLERK  
CITY OF BUNKER HILL

(SEAL)

**DIVISION III - DEFINITIONS****1-1-11 Construction Of Words**

When 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 corporate bodies 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.

**1-1-12 Definitions**

When 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 Bunker Hill, Illinois.

“**CODE**” OR “**THIS CODE**” shall mean the “Revised Code of Ordinances of the City of Bunker Hill”.

“**CORPORATE AUTHORITIES**” shall mean the Mayor and the City Council of the City of Bunker Hill, Illinois. (65 ILCS Sec. 5/1-1-2)

“**COUNCIL**” unless otherwise indicated shall mean the City Council of the City of Bunker Hill.

“**COUNTY**” shall mean the County of Macoupin.

“**EMPLOYEEES**” shall mean the following: When 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**” OR “**FEES**” as used in this Code shall mean a sum of money charged by the City for carrying on a business, profession or occupation.

“**FISCAL YEAR**” The “fiscal year” for the City shall begin on May 1st of each year and end on April 30th of the following 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.

“**LAW**” denotes applicable federal law, the Constitution and statutes of the State of Illinois, the ordinances of the City of Bunker Hill and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

“**LEGAL HOLIDAY**” shall mean holidays as authorized and recognized by the City Council in the employee agreement.

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

“**MAY**” The word “may” means permissive, not mandatory.

“**MAYOR**” as used in this Code shall mean the Mayor of the City of Bunker Hill.

**“MISDEMEANOR”** as used in this Code 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, with the understanding that municipal code violations are not punishable by imprisonment.

**“NEGLECT”, “NEGLIGENCE”, “NEGLIGENT” AND “NEGLIGENTLY”** import a want of such attention to the nature of probable consequences of the act or 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 of Bunker Hill.

**“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”** When 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 capacity as an 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 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 directly to the consumer.

**“SHALL”** The word “shall” is mandatory and not discretionary.

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

**“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. (65 ILCS Sec. 5/1-1-2)

#### **1-1-13 Catch lines**

The catch lines 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 catch lines, are amended or reenacted.

**DIVISION IV - GENERAL PENALTY****1-1-14 Penalty**

(A) Any person convicted of a violation of any section of this Code shall be fined not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for any one (1) offense. The court may assign the person to community service in addition to or in lieu of imposition of a fine.

(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 Seventy-five Dollars (\$75.00) 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 upon the theory of accountability.

(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 written plea of guilty and payment of the fine, plus court costs, unless a court appearance is required by the ordinance violated. (65 ILCS Sec. 5/1-2-7 and 5/1-2-8)

(F) Community Service- A penalty imposed for the violation of any section of this Code 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 public parks or along public highways or the maintenance of public facilities. (Ord. No. 2000-1 adopted 4/12/2000)

**1-1-15 Application**

(A) The penalty provided in this Chapter shall be applicable to every Section of the 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 of 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 Code shall apply and a separate offense shall be deemed committed upon each day during on or which a breach of violations occurs or continues.

(D) Service by Certified Mail- In all actions for violation of any municipal ordinance where the fine would not be in excess of Seven Hundred Fifty Dollars (\$750.00) and no jail term could be imposed, service of summons may be made by the municipal clerk by

certified mail, return receipt requested, whether service is to be within or outside of the state. (65 ILCS 5/1-2-9.1)

(D) 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.

(E) 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 occurring on the same date and time; 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.

(F) 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 Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

#### **1-1-16 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.

#### **1-1-17 LICENSE.**

When a person is convicted of a violation of any Section of this Code, any license previously issued to him by the City may be revoked by the Court or by the City Council.

**ARTICLE II - CITY OFFICIALS****DIVISION I - CITY COUNCIL****1-2-1 City Council**

The City Council shall consist of the Mayor and six (6) Aldermen, three (3) Alderman from each of the two (2) wards, and their term of office shall be for four (4) years, and until their successors are elected and have qualified. (65 ILCS Sec. 5/3.1-10-50(D) and 5/3.1-20-10)

**1-2-2 Regular Meetings**

The regular stated meetings of the City Council shall be held in the City Hall Building on the second (2nd) Wednesday in each month at 7:00 P.M. When said meeting date falls upon a legal holiday, the meeting shall be held on the next secular day at the same hour. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the Meetings of Public Agencies Act of the State of Illinois, Illinois Compiled Statutes, Chapter 5, Sections 120/1 through 120/5. (65 ILCS Sec. 5/3.1-40-25)

**1-2-3 Special Meetings**

Special meetings of the City Council may be called by the Mayor or any three (3) Aldermen 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 Alderman; such notices shall be served by mail or in person, 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 the 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. (65 ILCS 5/3.1-40-25) (5 ILCS 120/2.02-2.03)

**1-2-4 Vacancy**

When a vacancy occurs, if more than twenty-eight (28) months remain in the term and the vacancy occurs not less than one hundred thirty (130) days before the general municipal election, next scheduled under the general election law, the office shall be filled for the remainder of the term at that general municipal election. During the period from the time that the vacancy occurs until the next election of Aldermen, the Mayor shall appoint a qualified person to the office subject to the advice and consent of the City Council. (65 ILCS Sec. 5/3.1-10-50(B))

**1-2-5 Committees**

The following standing committees of the City Council are hereby established, to-wit (Ordinance 01-02 adopted 6/13/2001):

- (A) (1) Public Works

- (2) Police
- (3) Economic Development
- (4) Manufactured Homes
- (5) Parks & Property
- (6) Government Operations
- (7) Insurance & Finance
- (8) Liquor

(B) The committees shall be appointed annually by the Mayor.

(C) The Mayor shall be ex-officio chairman of each and every standing committee.

(D) So far as is practicable, reports of committees shall be in writing.

(E) As provided by law, any report of a committee of the Council shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any two (2) Aldermen present. (65 ILCS Sec. 5/3.1-40-35)

(F) All committee meetings are subject to the Open Meetings Act requirements and minutes shall be taken. (5 ILCS Sec. 120/1 and 120/2.06)

**1-2-6 Special Committees**

Special Committees may be appointed by the Mayor, subject to the advice and consent of the Aldermen, as may be needed from time to time.

**1-2-7 Quorum**

At all meetings of the City Council, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Council, the Aldermen may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings. (65 ILCS Sec. 5/3.1-40-20)

**Definition of Quorum:** When the Council has a Mayor and six (6) Aldermen, a quorum is four (4), which may consist of the Mayor and three (3) Aldermen, or four (4) Aldermen.

**1-2-8 Compelling Attendance**

It shall be the duty of each and all Aldermen to attend all regular meetings of the City Council and all special meetings when each has been duly notified of the date and place of such meeting. If, at any special meeting duly called, a quorum is not present, the Aldermen in attendance may adjourn the same to some stated time. Any Alderman duly notified in writing by the City Clerk of the time and place of such adjourned meeting and any Alderman who may have been present when such adjournment was had who fails to attend the same shall be fined Fifteen Dollars (\$15.00) for each of such adjourned meetings as he failed to attend; provided that the foregoing shall not apply when any Alderman is absent from such meeting or meetings on account of sickness or unavoidable accident. (65 ILCS 5/3.1-40-20)

**DIVISION II - RULES OF THE CITY COUNCIL**

**1-2-9 Rules of the Council**

The following rules of order and procedure shall govern the deliberations and meetings of the City Council. All questions relating to the priority of business shall be decided by the Chair without debate, subject to appeal. (65 ILCS Sec. 5/3.1-40-15) (Robert's Rules of Order Revised)

**(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 Aldermen and correction of the journal of the proceedings of previous meetings.
- (4) Reports and communications from the Mayor and other City Officers.
- (5) Visitors.
- (6) Reports of Standing Committees.
- (7) Reports of Special Committees.
- (8) Presentation of communications, petitions, resolutions, orders, and ordinances by Aldermen.
- (9) Unfinished business.
- (10) Miscellaneous business.

**(B) Duties of Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Aldermen, 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 challenging 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 ( $\frac{3}{4}$ ) of the corporate authorities agree that one's right to debate should be limited to speak only once and then not until every other Alderman 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.

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 Alderman shall hold any

private discussion, nor pass between the speaker and the Chair.

**(G) Call of Aldermen 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 Alderman 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 Aldermen present vote "No", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

**(I) Question of Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned or impugned.

**(J) Voting.** Every member who shall be present when a question is stated from the Chair shall vote thereon, unless he is personally interested in the question, in which case, he shall take whatever steps are necessary to insure that his vote is not taken.

**(K) Special Order of Business.** Any matter before the City Council may be set down as a special order of business at a time certain if two-thirds (2/3) of the Aldermen present vote in the affirmative, but not otherwise.

**(L) Seconding of Motions Required; Written Motions.** No motion shall be put or debated in the meeting or in committee unless it be seconded. When a motion is put or debated in the meeting or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer, before debate, and every motion in the Council, except motions of procedure, shall be reduced to writing if required by a member, and the proposer of the motion shall be entitled to the floor.

**(M) Withdrawal of Motions.** After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the Aldermen, but it may be withdrawn at any time before decision, by consent of the Aldermen.

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

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

**(P) Taking and Entering the Votes - Explanations of Votes Not Permitted.** If any member required it, the "yeas" and "nays" upon any question shall be taken and entered in the journal; but the yeas and nays shall not be taken unless called for prior to any vote on the question. When the Clerk has commenced to call the roll of the members for the taking of a vote by yeas and nays, all debate on the question before the City Council shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by the Clerk, by answering yea or nay, as the case may be.

**(Q) 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.

**(R) 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.
- (11) Numbers (2), (4), and (5) to be decided without debates.

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

- (1) When an Alderman 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) A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.
  - (b) The City Council may, at any time, adjourn over one (1) or more regular meetings on a vote of a majority of all the Aldermen authorized by law to be elected.

**(T) 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.

**(U) Motions to Lay on the Table and to Take From the Table.** A motion 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 Aldermen 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.

**(V) 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.

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

**(X) 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.

**(Y) 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.

**(Z) 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 Aldermen by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

**(AA) 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 Aldermen 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.

**(BB) 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.

**(CC) Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of two-thirds (2/3) of the Aldermen 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 Aldermen entitled by law to be elected.

**(DD) Censure of City Council Member - Expulsion of City Council Members.** Any City Council 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, City resident, or who does not obey 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 City Council Members elected. (65 ILCS Sec. 5/3.1-40-15)

### **1-2-10 Agenda**

An itemized agenda, along with all necessary supporting documentation shall be

furnished to each member of the Council no later than forty-eight 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.

**DIVISION III - ORDINANCES****1-2-11 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) Introduced.** When a proposed ordinance is introduced, it shall be read one time by title only and referred to the proper committee unless the City Council shall otherwise specifically direct.

**(C) Vote Required - Yeas and Nays Record.** The passage of all ordinances for whatever purpose, and of any resolution or motion (1) to create any liability against a City or (2) for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the City Council, including the Mayor, unless otherwise expressly provided by the Code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the Council consists of an odd number of Aldermen, the vote of the majority of the Aldermen shall be sufficient to pass an ordinance. The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the City Council. In addition, the corporate authorities at any meeting may by unanimous consent to take a single vote by yeas or nays on the several questions of the passage on any two (2) or more of the designated ordinances, orders, resolutions or motions placed together for voting purposes in a single group. The single vote shall be entered separately in the journal under the designation "omnibus vote", and in such event the Clerk may enter the words "omnibus vote" or "consent agenda" in the journal in each case in lieu of entering names of the members of City Council voting "yea" and of those voting "nay" on the passage of each of the designated ordinances, orders, resolutions and motions included in such omnibus group or consent agenda. The taking of such single or omnibus vote and such entries of the words "omnibus vote" or "consent agenda" in the journal shall be a sufficient compliance with the requirements of this Section to all intents and purposes and with like effect as if the vote in each case had been separately by yeas and nays on the question of the passage of each ordinance, order, resolution and motion included in such omnibus group, and separately recorded in the journal. Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any Alderman and shall be recorded in the journal. (65 ILCS Sec. 5/3.1-40-40)

**(D) Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against a City, or (2) that provide for the expenditure or appropriation of its money, or (3) to sell any City property, and all ordinances, passed by the City Council shall be deposited with the City Clerk. If the Mayor approves of them, he shall sign them. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the City Council, with his written objections, at the next regular meeting of the City Council occurring not less than five (5) days after their passage. The mayor may disapprove of any one (1) or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective

despite the absence of the Mayor's signature. (65 ILCS Sec. 5/3.1-40-45) (Explanation- The Mayor must return his objections to an ordinance, in writing, at the next regular council meeting after the passage of the ordinance. If the meeting is less than 5 days after the passage of the ordinance, it may be done at the next meeting. The Mayor has a minimum of 5 days to make a decision before the time to do so expires.)

**1-2-12 Reconsideration--Passing Over Veto**

Every resolution and motion, specified in Section 1-2-11 and every ordinance that is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting. If, after reconsideration, two-thirds (2/3) of all the Aldermen then holding office on the City Council shall agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. (65 ILCS Sec. 5/3.1-40-50)

**1-2-13 No Vote To Be Reconsidered At Special Meeting**

No vote of the City Council shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting at least as many Aldermen as were present when the vote was taken. (65 ILCS Sec. 5/3.1-40-55)

**DIVISION IV - GENERAL PROVISIONS**

**1-2-14 Corporate Seal**

(A) The Corporate Seal of the City shall be the same as that heretofore provided and used by the City. It shall be circular in form with the words, "City of Bunker Hill, Macoupin County, Illinois" in the exterior circle and the words and numbers "Organized April 15, 1873" in the center. (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. (65 ILCS Sec. 5/3.1-35-90)

**1-2-15 Elections**

(A) **Election Procedure.** The provisions of the Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/3.1-10-10 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. (65 ILCS Sec. 5/3.1-10-15)

**1-2-16 Appointment Of Elected Officials**

No Alderman of this City, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor except if such Alderman is granted a leave of absence from such office. However, such Alderman may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this Section is void. 65 ILCS Sec. 5/3.1-15-15) NOTE: One (1) member may serve on the Library Board. (75 ILCS Sec. 5/4-1 and 50 ILCS Sec. 105/2)

**1-2-17 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). (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 City, 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 1-1-14 of this Code. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk. (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 City 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 City 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. (65 ILCS Sec. 5/3.1-10-40)

**(H) Conservators of Peace.** After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Alderman and Policeman in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power 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, to commit arrested persons for examination, 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 to exercise all other powers as conservators of the peace prescribed by the corporate authorities. 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. (65 ILCS Sec. 5/3.1-15-25)

**1-2-18 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. (65 ILCS Sec. 5/3.1-15-20) (“Administration of Oaths”, Section 1-2-55)

**1-2-19 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. (65 ILCS Sec. 5/3.1-10-50)

**1-2-20 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 Alderman unless that person has resided in the Municipality, as the case may be, at least one (1) year next preceding the election or appointment, except as provided in 65 ILCS 5/3.1-25-75(b). (65 ILCS Sec. 5/3.1-10-5) (65 ILCS 5/3.1-25-75(b)) (730 ILCS 5/5-5-5(b))

**1-2-21 Bonds Of City Officers**

**(A) Amount.** Bonds of City officers required under Illinois Compiled Statutes, Chapter 65, Section 5/3.1-10-30 shall be executed in the following penal sums:

- (1) Mayor                   \$50,000.00
- (2) City Treasurer       \$50,000.00
- (3) City Clerk             \$50,000.00

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

**(C) Surety.** The City Council shall not receive or approve any bond or security whereon the name of the City Council, any one of the Aldermen 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 City 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.

**1-2-22 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 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. (745 ILCS Sec. 10/2-201 et seq.)

### **1-2-23 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 two thirds (2/3) of the Aldermen 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, tabulation of the bids shall be furnished to the 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 moneys 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.

(j) Whether the bidder has furnished a certificate of insurance indicating Worker's Compensation and Employer's Liability coverage and the policy limits for such coverage.

**(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 involved 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. (65 ILCS Sec. 5/2-2-12, 8-9-1 and 8-9-2)

#### **1-2-24 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. (65 ILCS Sec. 5/3.1-50-5 and 5/3.1-50-6) 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 180 days before the beginning of the terms of the officers whose compensation is to be fixed.

#### **1-2-25 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 first Tuesday 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.

#### **1-2-26 Municipal Year**

The municipal year of the City shall begin on May 1st of each year and shall end on April 30th of the following year. (65 ILCS Sec. 5/1-1-2)

#### **1-2-27 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. (65 ILCS 5/3.1-50-15(B))

#### **1-2-28 Official Records**

All official records, including the Corporate Seal, shall be kept in the City Hall.

**1-2-29 Federal Old Age and Survivor's Insurance System**

(A) Eligible employees shall mean all employees of the City, eligible under the Federal Act, except persons elected to office by popular election and also the City Treasurer and City Attorney.

(B) Withholdings from salaries or wages of employees for the purpose provided in sections 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 quarterly.

**1-2-30 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. (Ord. No. 78-07 adopted 9/19/1978)

**1-2-31 Certificates of Insurance**

All contractors and sub-contractors doing work for the City shall first provide a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

**1-2-32 City Owned Vehicles**

(A) No employee of the City shall use any City-owned vehicle for private or personal use, at any time.

(B) Any employee desiring to use any City-owned vehicle for private or personal use shall request a written authorization from the Mayor, or their designated representative, for such use.

(C) If written authorization for private or personal use of a City-owned vehicle is granted, the employee shall maintain a log of such use and shall pay mileage to the City, at a rate to be established by the City from time to time. (Ord. No. 2000-7, adopted 10/11/2000)

**DIVISION V - MAYOR****1-2-33 Election**

The Mayor shall be elected for a four (4) year term and shall serve until his successor is elected and has qualified. (65 ILCS Sec. 5/3.1-15-5 and 5/3.1-15-10)

**1-2-34 Mayor Pro-Tem; Temporary Chairman**

(A) If the mayor is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as mayor pro-tem. The mayor pro-tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor but shall not be entitled to vote both as mayor pro-tem and as an alderman.

(B) In the absence of the mayor, acting mayor or mayor pro-tem, the corporate authorities may elect one of their members to act as a temporary chairman. The temporary chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as an alderman on any ordinance, resolution or motion. (65 ILCS Sec. 5/3.1-35-35)

**1-2-35 Vacancy**

If a vacancy occurs in the office of the Mayor and there remains an unexpired portion of the term of at least twenty-eight (28) months and the vacancy occurs at least one hundred thirty (130) days before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The City Council shall elect one of its members as "Acting Mayor" who shall perform the duties and shall possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified. (65 ILCS Sec. 5/3.1-10-50)

**1-2-36 Chief Executive Officer**

The Mayor shall be the chief executive officer of the City and he shall see to the enforcement of all laws and ordinances. He shall preside over the meetings of the City Council and perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and City employees; provided, however, his control is subject to the power of the City Council to prescribe the duties of various officers and employees. He shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to City affairs and kept by any officer of the City. (65 ILCS Sec. 5/3.1-15-10 and 3.1-35-20)

**1-2-37 Mayor's Signature**

The Mayor shall sign all City warrants, commissions, permits and licenses granted by authority of the City Council, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature. The Mayor may designate another to affix his signature to any written instrument that requires the Mayor's signature. The Mayor must send written notice of this designation to the City Council stating: (1) the name of the person whom he has selected, and (2) what instrument the person will have authority to sign. A written signature of the Mayor executed by the person so designated with the signature underneath the signature of the

person so designated shall be attached to the notice. The notice with the signature attached shall be recorded in the journal of the City Council and then filed with the City Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument, in all respects, shall be as binding on the City as if signed by the Mayor in person. (65 ILCS Sec. 5/3.1-35-30)

**1-2-38 Appointment Of Officers**

**(A) Appointed.** At the first annual meeting in May, the Mayor shall appoint, by and with the advice and consent of the City Council, all officers of the City whose election or appointment is not otherwise provided for. Said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the Municipality. (65 ILCS Sec. 5/3.1-55-5)

**(B) Filling Vacancies.** The Mayor shall appoint, by and with the advice and consent of the City council, all officers of the City whose appointment will not otherwise be provided for by law; and whenever a vacancy shall occur in any office, which by law or ordinance the Mayor is empowered and required to fill, the Mayor shall, at the next regular meeting of the City Council, communicate to it the name of the appointee to such office and pending the concurrence of the City council in such appointment, the Mayor may designate some suitable person to discharge the functions of such office.

**1-2-39 Supervise Conduct Of Officers; Removal Of Officers**

The Mayor shall supervise the conduct of all officers of the City and see that they faithfully and efficiently discharge the duties of their respective offices. Except where otherwise provided by statute, the Mayor may remove any officer appointed by the Mayor under this Code, on any written charge, whenever the Mayor is of the opinion that the interests of the Municipality demand removal. The Mayor shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than five (5) days nor more than ten (10) days after the removal. If the Mayor fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a two-thirds (2/3) vote of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (65 ILCS Sec. 5/3.1-35-10)

**1-2-40 Designation Of Officers' Duties**

Whenever there is a dispute as to the respective duties or powers of any appointed officer of the City, this dispute shall be settled by the Mayor, after consultation with the City Attorney; and the Mayor shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty.

**1-2-41 Formal Occasions**

The Mayor shall act for and on behalf of the City on formal occasions and receptions, but in his absence or inability to attend any such function, the Mayor may select any other City officer to so act.

**1-2-42 General Duties**

The Mayor shall perform all the duties which are prescribed by law and shall take care that the laws and ordinances are faithfully executed. The Mayor from time to time, and annually, shall give the City Council information relative to the affairs of the City, and may recommend for their consideration such measures as he believes expedient. (65 ILCS Sec. 5/3.1-35-5)

**1-2-43 Business License Commissioner**

The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law, with the advice and consent of the City Council.

**1-2-44 Local Liquor Commissioner**

The Mayor is hereby designated as Local Liquor Commissioner with all the powers to license and/or revoke any City liquor license according to State and City laws. (235 ILCS Sec. 5/4-2)

**1-2-45 Health Commissioner**

The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the City authority as prescribed by law.

**1-2-46 Deciding Vote - Mayor**

The Mayor shall preside at all meetings of the City Council. He shall not vote on any ordinance, resolution or motion, except:

- (A) Where the vote of the Aldermen has resulted in a tie; or
- (B) Where one-half of the Aldermen elected have voted in favor of an ordinance, resolution or motion, even though there is no tie; or
- (C) Where a vote greater than a majority of the corporate authorities is required by the Illinois Compiled Statutes to adopt an ordinance, resolution or motion.
- (D) In each instance specified, the Mayor shall vote. Nothing in this Section shall deprive an Acting Mayor or Mayor Pro-tem from voting in his capacity as Alderman, but he shall not be entitled to another vote in his capacity as Acting Mayor or Mayor Pro-tem. (65 ILCS Sec. 5/3.1-45-5)

**DIVISION VI - CITY CLERK****1-2-47 ELECTED**

The City Clerk shall be elected at the same election as the Mayor for a four (4) year term and shall serve until his successor is elected and has qualified. **(65 ILCS Sec. 5/3.1-15-5 and 5/3.1-30-5)**

**1-2-48 VACANCY**

Whenever a vacancy occurs in the office of City Clerk and more than twenty-eight (28) months remain in the term and the vacancy occurs not less than one hundred thirty (130) days before the general municipal election, next scheduled under the general election law, the office shall be filled for the remainder of the term at that general municipal election. During the period from the time that the vacancy occurs until the next election of Aldermen, the Mayor shall appoint a qualified person to the office subject to the advice and consent of the City Council. **(65 ILCS Sec. 5/3.1-10-50(B))**

**1-2-49 PUBLICATION OF ORDINANCES, COUNCIL MINUTES & RECORDS**

**(A) Ordinances.** The City Clerk shall cause all ordinances passed by the City Council and approved by the Mayor, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once within thirty (30) days after passage, in one (1) or more newspapers published in the City. **(See 65 ILCS Sec. 5/1-2-5)**

**(B) Opening Meetings.** The City Clerk shall attend all meetings of the City Council and shall keep in a suitable book to be styled “**The Journal of the City Council,**” a full and faithful record of its proceedings. The City Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the City Council, and at the foot of the record of each ordinance so recorded, he shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance. **(65 ILCS Sec. 5/3.1-35-90)**

**(C) Closed Meetings.** The Clerk shall prepare and preserve the minutes of closed meetings according to the provisions of the Closed Meetings Act. At least twice a year, the corporate authorities shall meet to review the minutes of all closed sessions and make public a statement as to whether there is still a need to maintain such matters in confidence or whether minutes or portions of minutes from closed meetings no longer require confidential treatment and are available for public inspection. **(5 ILCS 120/2.06(c))**

**(D) Bonds.** The City Clerk shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. **(65 ILCS Sec. 5/3.1-35-110)**

**(E) Issue Notices.** The City Clerk shall issue and cause to be served upon all Aldermen, notices of all special meetings of the City Council; also notices to the members of the different committees of that body and all persons whose attendance may be required before any such committee, when so directed by the chairman thereof. **(65 ILCS Sec. 5/1-2-4, 5/1-2-5 and 5/3.1-35-90)**

**1-2-50 DELIVERY OF PAPERS TO OFFICERS**

The Clerk shall deliver to the several committees of the City Council and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefor. He shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. **(65 ILCS Sec. 5/3.1-35-90)**

**1-2-51 PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES**

The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this Code and shall attest the same with the corporate seal, and he shall, in like manner, attest all deeds for the sale or real estate owned and conveyed by this City.

**1-2-52 REPORT OF LICENSES**

The Clerk shall report to the City Council at its regular meeting each month and oftener if the Council so requires the data contained in his license register with respect to licenses issued during the previous month.

**1-2-53 DELIVERY OF LICENSES**

In all cases where the City requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to deliver such plates, tags, or stickers to the person paying the license fee.

**1-2-54 ADMINISTRATION OF OATHS**

The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(65 ILCS Sec. 5/3.1-15-20)**

**1-2-55 OUTSTANDING BONDS**

The Clerk shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued, or purchased, or paid, or canceled, the book or books shall show that fact; and in his annual report, the Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof. **(65 ILCS Sec. 5/3.1-35-110)**

**1-2-56 REPORTS**

The Clerk shall, on or before the regular meeting in each month, make out and submit to the City Council a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from or what sources and on what account moneys were received, and for what purposes and on what account the warrants were drawn or paid.

**1-2-57 SUCCESSOR**

The City Clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to his office, and not in actual use and possession of other City officers; and upon the expiration of his official term, he shall deliver all such books, records, papers and effects to his successor in office. **(65 ILCS Sec. 3.1-10-35)**

**1-2-58 PAYMENTS**

The Clerk shall prepare daily an itemized list of all moneys received and shall deliver a copy of the same to the City Treasurer and shall also pay over to the Treasurer all moneys received by him and take a receipt therefor.

**1-2-59 NOTIFICATION TO PERSONS APPOINTED TO OFFICE**

Within five (5) days after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within ten (10) days after such notice.

**1-2-60 SUBMIT APPROPRIATION TO CITY COUNCIL**

The Treasurer, his agents, or employees shall on or before the fifteenth (15<sup>th</sup>) day of May in each year, and before the annual appropriations to be made by the City Council, submit to the City Council and report of his estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, he is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report, he shall give such other information to the City Council as he may deem necessary to the end that the City Council may fully understand the money exigencies and demands upon the corporation for the current year. **(65 ILCS Sec. 5/3.1-35-115)**

**1-2-61 WARRANTS; SIGNING AND COUNTERSIGNING**

All warrants drawn upon the Treasury shall be signed by the Mayor and countersigned by the City Clerk, and shall specify therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable. No money shall be paid otherwise than upon such warrants so drawn, except as otherwise provided. **(65 ILCS 5/8-1-8)**

**1-2-62 OTHER DUTIES**

In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the City Council. **(65 ILCS Sec. 5/3.1-10-40)**

**1-2-63 DEPUTY CLERK**

The City Clerk, when authorized by the City Council, may appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the City thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word, “**By**” and the Deputy Clerk’s name and the words, “**Deputy Clerk**”.

The powers and duties herein described shall be executed by such Deputy Clerk only in the absence of the City Clerk from the City Clerk’s office in the City Hall, and only when either written direction has been given by the City Clerk to such Deputy Clerk to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions. **(65 ILCS Sec. 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)**

**DIVISION VII - CITY TREASURER****1-2-64 DEPARTMENT ESTABLISHED**

There is hereby established a department of the municipal government of the City which shall be known as the “**Finance Department**”. It shall embrace the Insurance and Finance Committee (1-2-5) and the Treasurer.

**1-2-65 FINANCE COMMITTEE**

The standing committee on Insurance and Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

**1-2-66 TREASURER ELECTED; VACANCY**

Whenever a vacancy occurs in the office of City Treasurer and more than twenty-eight (28) months remain in the term and the vacancy occurs not less than one hundred thirty (130) days before the general municipal election, next scheduled under the general election law, the office shall be filled for the remainder of the term at that general municipal election. During the period from the time that the vacancy occurs until the next election of Aldermen, the Mayor shall appoint a qualified person to the office subject to the advice and consent of the City Council. **(65 ILCS Sec. 5/3.1-10-50(B))**

**1-2-67 MONEY – WARRANTS – ACCOUNTS – SIGNATURES REQUIRED**

(A) The City Treasurer shall receive all moneys belonging to the City and shall keep the Treasurer’s 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 corporate authorities. The City may, however, by ordinance designate a person or institution which as bond trustee, shall receive from the County Collector accounts payable to the City as taxes levied pursuant to a bond issuance.

(B) The Treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging to the fund or appropriation.

(C) The Treasurer shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment, and upon what account paid. The Treasurer shall file copies of these receipts with the Clerk with the Treasurer’s monthly reports. If the Treasurer has possession of money properly appropriate to the payment of any warrant lawfully drawn upon the Treasury, the Treasurer shall pay the money specified in the warrant to the person designated by the warrant. All checks issued to pay the warrants shall be signed by two of the following officials, namely the Mayor, City Clerk or the City Treasurer. **(65 ILCS Sec. 5/3.1-35-40)**

**1-2-68 FINANCIAL REPORTS**

At the end of every month, and oftener if required by the corporate authorities, the Treasurer shall render an account under oath to the corporate authorities or to an officer designated by ordinance, showing the state of the treasury at the date of the accounting and the balance of money in the Treasury. The Treasurer shall accompany the account

with a statement of all money receipted into the Treasury and on what account, together with all warrants redeemed and paid by the Treasurer on the day the Treasurer renders an account, these warrants, with all vouches held by the Treasurer, shall be delivered to the City Clerk and filed, together with the accounting 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.

**1-2-69 PERSONAL USE OF FUNDS**

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

**1-2-70 BOND**

The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than ten percent (10%) of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding five (5) fiscal years, nor less than one and one-half times the largest amount which the Council estimates will be in his custody at any one time, nor less than three (3) times the number of residents of the City, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. **(65 ILCS Sec. 5/3.1-10-45)**

**1-2-71 SPECIAL ASSESSMENTS**

The Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto. **(65 ILCS Sec. 5/3.1-35-85)**

**1-2-72 BOOKKEEPING**

The Treasurer shall keep his books and accounts in such a manner as to show with accuracy, all moneys 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 Insurance and Finance Committee of the Council. **(65 ILCS Sec. 5/3.1-35-40)**

**1-2-73 STATEMENTS**

The Treasurer shall report to the corporate authorities at the regular monthly meeting, a full and detailed account of all receipts and expenditures of the Municipality as shown by his books up to the time of the report. **(65 ILCS Sec. 5/3.1-35-45)**

**1-2-74 REPORT DELINQUENT OFFICERS**

It shall be the duty of the Treasurer to report to the City Clerk any officer of the City authorized to receive money for the use of the City who may fail to make a return of the moneys received by the Treasurer at the time required by law or by ordinances of the City.

**1-2-75 YEAR-END REPORT**

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

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

(B) Except as provided in paragraph (C) of this Section, all moneys paid out by the City 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, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(C) All moneys paid out by the City as compensation for personal services, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(D) A summary statement of operations for all funds and account groups of the City 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 City Treasurer, the City Clerk shall publish the account at least once in one or more newspapers published in the City. (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.) (65 ILCS Sec. 5/3.1-35-65)

**1-2-76 DEPOSIT OF FUNDS**

(A) **Designation by Council.** The Treasurer is hereby required to keep all funds and moneys in his custody belonging to the City in such places of deposit as have been designated by Section 1-2-76(F). 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 Treasurer. When a bank or savings and loan association 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 by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the Municipal Treasurer of that fact in writing at least five (5) days before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money that the Treasurer deposits in a designated bank or savings and loan association while the

funds and money are so deposited.

(B) The Municipal Treasurer may require any bank or savings and loan association to deposit with the Treasurer securities or mortgages that have a market value at least equal to the amount of the funds or moneys of the Municipality deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(C) The Municipal Treasurer may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of municipal funds.

(D) Each Municipal Treasurer may:

(1) combine moneys from more than one fund of a single municipality for the purpose of investing those funds and;

(2) join with other municipal treasurers or municipalities for the purpose of investing the municipal 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 a single municipality 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 investment 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.

(E) 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 Section 6 of the Public Funds Investment Act. **(65 ILCS Sec. 5/3.1-35-50 and 30 ILCS Sec. 235/6)**

(F) The following bank(s) are herewith designated as places of deposit where the Treasurer of the City is required to keep all funds and moneys in his custody belonging to this Municipality (Ord. No. 1-2003 adopted 5/14/2003):

(1) United Community Bank, Bunker Hill, IL

(2) Citizen's National Bank, Bunker Hill, IL

(3) State Treasurer's Investment Pool

**DIVISION VIII - JUDICIARY**

**1-2-77 APPOINTMENT OF ATTORNEY**

The Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council for the term of one (1) year, unless sooner removed for cause, and until his successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the City and shall be known as the City Attorney and shall receive an annual salary as determined by the appropriation ordinance, compensation for office services and advice, and shall receive reasonable fees for other services rendered when, in his judgment, or in the judgment of the Mayor or City Council, the same are necessary or are for the best interests of the City. **65 ILCS Sec. 5/3.1-30-5)**

**1-2-78 DUTIES**

(A) **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.

(B) **Preparation of Ordinances** He shall, when required, advise the City 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 City Council, or any committee thereof.

(C) **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.

(D) **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.

(E) **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, vexatious, 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.

(F) **Collection of Taxes** He is hereby authorized and instructed to enforce the collection of any and all taxes and special assessments in the collection of which the City is interested and to attend all sales of real or personal property made to enforce the collection of such taxes or special assessments and to bid thereat on behalf of the City.

(G) **Commissions** The City Attorney shall act as the legal advisory for the Utilities Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the City Council. He shall perform all legal services as may be required for those boards and commissions.

**1-2-79 Prosecutor's Fee**

(A) For each complaint that is prosecuted on behalf of the City to enforce the provisions of general ordinances of the City and also to enforce provisions of state statutes and

statutes affecting the affairs of the City, there shall be added as costs to be assessed against the defendant in each case the sum of Twenty-five Dollars (\$25.00) to be known as the City Prosecutor's Fee.

(B) Upon said defendant being found guilty of the charges as stated in the complaint that is filed on behalf of the City in any of the two above-named situations, it shall be the duty of the Court before whom such matter is heard to assess a City Prosecutor's fee in the sum of Twenty-five (\$25.00) dollars, which shall be paid to the City to be used to pay the costs of paying the attorney who prosecutes the matter.

**DIVISION X - CITY ENGINEER**

**1-2-80 APPOINTMENT.** With the advice and consent of the City Council, the Mayor may appoint an engineer for the City, who shall serve for the term of the Mayor or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and City Council.

**1-2-81 DUTIES - SALARY.** The City Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the City Council as per the contract. He shall also examine all public works under his charge and see that the plans, estimates and specifications for the same are properly executed. The Engineer shall receive reasonable compensation for his services and the same will be provided for in the annual appropriation ordinance on an estimated basis. (65 ILCS 5/3.1-30-5)

**DIVISION XI - PUBLIC WORKS DIRECTOR**

**1-2-82 OFFICE CREATED.** There is hereby created the office of Director of Public Works, an executive office of the City. The Director of Public Works shall be appointed by the Mayor with the advice and consent of the City Council. The Director of Public Works may also be referred to as “Director” or “Public Works Director”. The Director shall be responsible for the Water and Sewer Department and Street Department. (65 ILCS 5/3.1-30-5)

**1-2-83 STREETS.** The Public Works Director shall have charge of the construction and care of all public streets, alleys and driveways in the City, and shall keep the same clean and in repair. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

**1-2-84 LIGHTING.** The Public Works Director shall supervise the lighting of the public streets and alleys and shall keep the lighting system in efficient operation and good repair.

**1-2-85 UTILITY SYSTEMS.** The Public Works Director shall have charge of the operation and maintenance of the municipal water and sewer distribution systems.

**1-2-86 DEPARTMENT EMPLOYEES.** All officers or employees assigned to the Public Works Director shall perform their duties subject to the orders and under the supervision of the Public Works Director.

**1-2-87 PROPERTY CUSTODIAN.** The Public Works Director shall be the custodian of all property of the City which is not assigned to the care or custody of any other officer. (65 ILCS 5/3-7-6)

**ARTICLE III  
SALARIES**

**1-3-1 MAYOR.**

The Mayor shall receive \$3900 per year, payable in monthly installments of \$325.00; and the cost of installation of additional residential telephone line and monthly charges.

**1-3-2 ALDERMEN**

Each Alderman shall receive the sum of \$1020.00 per year, payable in two installments of \$510.00.

**1-3-3 CITY CLERK**

The City Clerk shall receive the sum of \$10,300.00 per year, payable in monthly installments of \$858.33.

**1-3-4 CITY TREASURER**

The City Treasurer shall receive the sum of \$1020.00 per year, payable in two installments of \$510.00.

**1-3-5 SPECIAL MEETINGS**

The Mayor, City Clerk, Deputy City Clerk, City Treasurer and each Alderman shall receive the sum of \$25.00 as administrative expense for each special meeting attended. (Ord. No. 04-03 adopted 10/20/2004)

**ARTICLE IV  
WARDS**

**1-4-1 City Wards Established.** The corporate limits of the City are hereby divided into two wards as follows:

**(A) Ward No. 1-** All that portion of the City lying north of the centerline of Warren Street.

**(B) Ward No. 2-** All that portion of the City lying south of the centerline of Warren Street.

**ARTICLE V - MANAGEMENT ASSOCIATION**

**1-5-1 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.

**1-5-2 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 VI – INVESTMENT POLICY**

**1-6-1 PURPOSE AND SCOPE.** The purpose of this policy statement is to outline the responsibilities, general objectives, and specific guidelines for management of public funds by the City. Its scope includes all public funds of the City. It is the policy of the City to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all State and local statutes governing investment of public funds.

**1-6-2 RESPONSIBILITIES.** All investment policies and procedures of the City will be in accordance with Illinois Law. The authority of the City Council to control and invest public funds is defined in the Illinois Public Funds Investment Act and the investments permitted are described therein. Management and administrative responsibility for the program is hereby delegated to the City Treasurer who may establish written procedures for the operation of the investment program.

**1-6-3 DELEGATION OF AUTHORITY.** Management and administrative responsibility for the investment program is hereby delegated to the City Treasurer who may establish written procedures for the operation of the investment program and shall be called the Chief Investment Officer.

**1-6-4 “PRUDENT PERSON” STANDARD.** All City investment activities shall use a “prudent person” standard of care. This standard shall be applied in the context of managing an overall portfolio and specifies that 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. Investment officers, acting in accordance with this Policy and the written procedures of the City, and exercising due diligence, shall be relieved of personal responsibility for a security’s credit risk or market price/value changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

**1-6-5 OBJECTIVES.** In selecting financial institutions and investment instruments to be used, the following general objectives should be considered in the priority listed:

**(A) Legality.** Conforming with all legal requirements.

**(B) Safety.** Preserving capital and including diversification appropriate to the nature and amount of the funds. The City shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds.

Diversification can be by type of investment, number of institutions invested in, and length of maturity.

**(C) Liquidity.** Maintaining sufficient liquidity to meet current obligations and those reasonably to be anticipated. To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow the City will not directly invest in securities maturing more than two years from the date of purchase. Reserve funds may be invested in securities exceeding two years if the

maturity of such investments are made to coincide as nearly as practicable with the expected use of funds.

**(D) Yield.** Attaining a market rate of return on investments.

**1-6-6 GUIDELINES.** The following guidelines should be used to meet the general investment objectives:

**(A) Legality and Safety.**

(1) Investments will be made only in securities guaranteed by the U.S. government, or in FDIC insured institutions including SAIF of the FDIC. Deposit accounts in banks or savings and loan institutions will not exceed the amount insured by FDIC coverage (unless adequately collateralized pursuant to Regulations of the Federal Reserve regarding custody and safekeeping of collateral).

(2) Authorized investments include and will primarily consist of: Certificates of Deposit, Treasury Bills and other securities guaranteed by the U.S. Government, participation in the State of Illinois Public Treasurer's Investment Pool and any other investments allowed under State law that satisfy the investment objectives of the City.

**(B) Liquidity.** In general, investments should be managed to meet liquidity needs for the current month plus one (1) month (based on forecasted needs) and any reasonably anticipated special needs.

**(C) Yield-Return on Investment.** Within the constraints on Illinois law, considerations of safety, and this investment policy, every effort should be made to maximize return on investments made. All available funds will be placed in investments or kept in interest bearing deposit accounts.

**(D) Simplicity of Management.** The time required by the City Council to manage investments shall be kept to a minimum.

**1-6-7 REPORTING.** Investments, fund balances and the status of such accounts will be reported at each regularly scheduled meeting of the City Council and shall at least quarterly include information regarding securities in the portfolio by class or type, book value, income earned, and market value as of the report date. At least annually, the Chief Investment Officer shall review this Policy for any needed modifications and report to the City Council on the investment portfolio, its effectiveness in meeting the City's need for safety, liquidity, rate of return, diversification and general performance. These reports will be available to the general public upon request.

**1-6-8 INTERNAL CONTROLS.** In addition to these guidelines, the Chief Investment Officer shall establish a system of internal controls and written operational procedures designed to prevent loss, theft or misuse of funds. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points: Control of collusion, Separation of transaction authority from accounting, Custodial safekeeping, Written confirmation of telephone transactions for investments and wire transfers.

**1-6-9 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.**

Any investment advisors, money managers and financial institutions shall be considered and authorized only by the action of the City Council upon the recommendation of the Chief Investment Officer. The Chief Investment Officer will maintain a list of financial dealers and institutions authorized to provide investment service.

**1-6-10 CONFLICTS OF INTEREST.** Officers and employees involved in the investment process shall refrain from personal business activities that might conflict with the proper execution and management of this investment program, or that could impair their ability to make impartial decisions, or that could give the appearance of impropriety.

**ARTICLE VII  
ETHICS CODE**

**1-7-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.**

(A) The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 ILCS 430/70-5.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.

(E) For purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).

(F) The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(H) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or re-hearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City.