

TITLE III: ADMINISTRATION**CHAPTER 30: GENERAL REGULATIONS****30-1: THE SEAL.**

(A) The seal provided by the City Council, consisting of the words, "City of Red Bud, Randolph Co. Ill." around the outer edge and the figure of an "eagle" and the words, "Incorporated, 1875" in the center of the seal shall be and is hereby established and declared to be the seal of the City of Red Bud. The City Clerk shall be the custodian of the City Seal.

(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.

30-2: CONTRACTS.

(A) All contracts for the purchases by the City shall be in compliance with the statutes of the State of Illinois.

(B) Any work or public improvement which is not to be paid for in whole or in part by special assessment or special taxation when the expense thereof will exceed Twenty-Five Thousand Dollars (\$25,000) shall be constructed either:

(1) By a contract let to the lowest responsible bidder after advertising for bids in the manner prescribed by ordinance and statutes, except that any such contract may be entered into by the proper officers without advertising for bids if authorized by a vote of two-thirds (2/3) of all Aldermen then holding office or there is an emergency;

(2) If authorized by a vote of two-thirds (2/3) of all the Aldermen or Councilmen then holding office, the Superintendent shall supervise and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor therein, laborers or artisans whom the municipality shall pay by the day or hour; and all material of the value of Twenty-Five Thousand Dollars (\$25,000.00) and upward used in the construction of the work or the public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed by the Code of the City. However, nothing contained in this Chapter shall apply to any contract by the City with the Federal Government or agents thereof.

(C) **Definition.** The lowest responsible bidder does not mean the lowest bidder financially only, but shall mean the bidder who, by experience and other qualifications is deemed most capable of performing the work required in a satisfactory manner.

30-3: CLAIM PRESENTATION. All claims against the City for goods purchased, damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by

ordinance must be presented on or before the last Wednesday, prior to the regular meeting each month to the City Clerk. All such claims must be in writing and items shall be specified.

30-4: CLAIM EXCEPTION. This Section 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.

30-5: FISCAL YEAR. The fiscal year of the City shall begin on May 1st of each year and shall end on April 30th of the following year.

30-6: 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.

30-7: 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 provision 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.

30-8: RETURNED CHECKS. There shall be an additional charge of Thirty-Five Dollars (\$35.00) per check returned to the City because of insufficient funds or cancellation of the check by the customer.

30-9: OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) **Regulations.** 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) **Solicitation.** 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) **Gifts.** 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) **Political Activities.** The participation in political activities prohibited under the Act, by any officer or employee of the City is hereby prohibited.

(E) **Definitions.** For the purposes of this Article, the term "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c), i.e., an "officer" being defined as elected or appointed official whether compensated or not and an "employee" being defined as any full-time, part-time or contractual employee of the City. An independent contractor is not to be considered as a contractual employee.

(F) Penalties. The penalties for violations of this Section shall be as stated in Chapter 4 of this Code.

(G) Prior Ordinances. This Article 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 Article, however, the provisions of this Article shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(H) Amendments. Any amendment to the Act that becomes effective after the effective date of this Article shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City.

(I) Act Unconstitutional – Automatic Repeal. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Article shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Article 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) Partial Constitutional Invalidity. 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 Article shall remain in full force and effect; however, that part of this Article relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City.

30-10 to 30-11 RESERVED.