

TITLE III: ADMINISTRATION - CONTINUEDCHAPTER 32: CITY OFFICIALS, DEPARTMENT HEADS & EMPLOYEES*GENERAL ADMINISTRATION*32-1. ELECTIONS.

**(A) Election Procedure.** The provisions of the Illinois Municipal Code and 10 ILCS 5/1-1, et seq. 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 consolidated election in April.

**32-2. 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, by the appointment of 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. (NOTE: One (1) member may serve on the Library Board and One (1) member chairs the Economic Development Commission.)

32-3: 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 the creation of the office or position or the time of the appointment of the officer or employee.

**(B) Bond.** Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position.

**(C) 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 Chapter 4 of this Code. He shall not receive his final check until his City Code book and keys are turned over to the City Clerk.

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

**(E) 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.

**(F) 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 Council may provide by law.

**(G) Conservators of Peace.** The Mayor, Aldermen and Policemen are designated as conservators of the peace, with power to make arrests as provided by law.

**(H) 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."

**32-4: RESIDENCY.** No person shall be eligible to hold any office who is not a qualified elector of the City and who shall not have resided therein for at least one (1) year next preceding his election or appointment, nor shall any person be eligible who is a defaulter to the City. Provided, however, this paragraph shall not apply to the Attorney, City Engineers, or members of the Planning Commission.

**32-5: INTEREST IN CONTRACTS PROHIBITED.**

**(A)** No person holding any office, either by election or appointment under the laws or constitution of this State, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor may any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void.

**(B)** However, any elected or appointed member of the governing body may provide materials, merchandise, property, services or labor, if they meet the exemption requirements provided in 50 ILCS 105/3, et seq.

**32-6: BONDS OF CITY OFFICERS.**

**(A) Amount.** Bonds of City officers required under 65 ILCS 5/3.1-10-30, as amended, shall be executed in the following penal sums:

- (1)** Mayor- the minimum listed in the above state statute.
- (2)** City Clerk- the minimum listed for the Mayor in the above state statute.
- (3)** City Treasurer- the minimum listed in the above state statute.
- (4)** City Collector- the minimum listed for the Mayor in the above state statute.

**(B) Premium Payment by City.** The surety bonds required by law shall be paid by the City.

**(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 officers 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.

**32-7: CITY OFFICES CONSOLIDATED.**

**(A)** The City Council may, from time to time, by law, impose upon any officer filling any office created by the ordinances of the City, any such other or further duties as shall be consistent with the laws of this State, and may consolidate any two (2) or more of the offices and impose the duties thereof upon any other officer and may make any such regulations, respecting such offices as shall be consistent with the laws of this State.

**(B)** In case the City Council consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he would not have been entitled to receive if such consolidation had not taken place.

**32-8: INSURANCE.** 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 said insurance has been purchased, the City shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the municipal corporation, officer, employee or elected official.

**32-9: INDEMNIFICATION.** If the City Council elects not to purchase liability insurance covering and insuring municipal officers, elected officials and employees as provided in Section 32-8 of this Chapter, 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 said 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 will not indemnify, but will 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, will not indemnify or cause to defend said 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 Revised Statutes, and the City will 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 will 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 will indemnify the municipal officer, elected official or employee the personal deductible limits of their personal policy.

### **32-10: SALARIES.**

**(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.

### **31-11 to 32-12: RESERVED.**

#### *MAYOR*

**32-13: ELECTION.** The Mayor shall be elected for a four (4) year term and shall serve until his successor is elected and has qualified.

**32-14: MAYOR PRO-TEM.** During a temporary absence or disability of the Mayor which incapacitates him from the performance of his duties, but does not create a vacancy in the office, the Mayor shall appoint one of the Aldermen and if he cannot, the Aldermen shall appoint one of its members to act as Mayor Pro-tem. The Mayor Pro-tem, during this absence or disability, shall perform his duties and possess all the rights and powers of the Mayor. The Mayor may appoint an Alderman to administer affairs of the City with the advice and consent of the City Council whenever the City Council considers it necessary and expedient.

**32-15: 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 "Acting Mayor", who shall perform the duties and possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified.

**32-16: 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 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 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.

**32-17: MAYOR'S SIGNATURE.** The Mayor shall sign all City warrants, commissions, permits and licenses granted by authority of the 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 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 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.

**32-18: 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, and 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.

**(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 Council in such appointment, the Mayor may designate some suitable person to discharge the functions of such office.

**(C) Temporary Appointments.** Temporary appointment of any City official by the Mayor which has not been approved by the City Council shall be limited to a term of sixty (60) days. The Mayor may not temporarily appoint the same person to the same office more than twice in one fiscal year of the City. This shall apply prospectively to any individual serving in a temporary appointment at the time of passage of this Section or temporarily appointed to an office after passage.

**32-19: SUPERVISE CONDUCT OF OFFICERS - REMOVALS.** 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. The Mayor shall have the power to remove any officer appointed by him on any formal charge whenever the Mayor shall be of the opinion that the interests of the City demand such removal, but the Mayor shall report the reasons for the removal to the City Council to be heard not less than five (5) days nor more than ten (10) days after such removal. If the Mayor shall fail or refuse to file with the City Clerk a statement of the reasons for such removal or if the City Council, by a two-thirds (2/3) vote by yeas and nays of all its members authorized by law to be elected, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which the person was so removed, but the person shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

**32-20: 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.

**32-21: 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 (1/2) 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 Revised Statutes to adopt an ordinance, resolution or motion.

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.

**32-22: 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.

**32-23: 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.

**32-24: BUSINESS LICENSE COMMISSIONER.** The Mayor is hereby designated as Business License Commissioner to issue and revoke any and all business licenses as prescribed by law.

**32-25: LOCAL LIQUOR CONTROL COMMISSIONER.** The Mayor is hereby designated as the Local Liquor Control Commissioner with all the powers to license and/or suspend, revoke, or fine any City Liquor License, according to State and City laws.

**32-26: 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.

**32-27: LICENSE APPROVAL.** The Mayor is hereby authorized to approve or deny raffle, food vendor, mobile home, garbage, and transient merchant exception (as stated in Chapter 102) licenses that comply or do not comply with the requirements for a license under Chapter 104, Chapter 106, Chapter 173, and Chapter 92, and Chapter 102 respectively.

**32-28: SALARY.** The Mayor shall receive an annual salary of Eight Thousand Dollars (\$8,000.00).

**32-29: RESERVED.**

#### *CITY CLERK*

**32-30: 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. The office of City Clerk shall be part-time.

**32-31: MINUTES.** The City Clerk shall keep the following minutes:

(A) 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, the City Clerk shall make a memorandum of the date of the passage and, when published, of the publication of such ordinance.

(B) 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. The City Clerk shall issue and cause to be served upon all Aldermen, notices of all 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. The City Clerk shall publish notices to all persons or entities as required by law.

(C) The City Clerk shall attend all monthly and special meetings of the Standing Committees of the City Council.

(D) The City Clerk shall take minutes of all of the above committee meeting and shall provide a copy of the minutes to each member of each committee following their completion.

**32-32: ORDINANCES - PUBLICATIONS.** 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 or the corporate authorities, or be published at least once within thirty (30) days after passage in one or more newspapers published in the City.

**32-33: DELIVERY OF PAPERS TO OFFICERS.** The City 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 City 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.

**32-34: LOCAL ELECTION OFFICIAL.** The City Clerk shall be known as the Local Election Officer and shall perform all duties as prescribed by Chapters 65 and 10 of the Illinois Compiled Statutes.

**32-35: ADMINISTRATION OF OATHS.** The City Clerk shall have the power to administer oaths or affirmations for all lawful purposes.

**32-36: OUTSTANDING BONDS.** The City 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 cancelled, the book or books shall show the fact; and in his annual report, the City Clerk shall describe particularly the bonds sold during the year and terms of sale with each and every item of expense thereof.

**32-37: 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 office terms, he shall deliver all such books, records, papers, and effects to his successor in office.

**32-38: WARRANTS.** The City Clerk shall keep in a suitable book, an accurate list of all warrants drawn upon the City Treasury, showing the date, number and amount of each and the name of the person in whose favor drawn. There shall be a statement of charges attached to each check drawn. All warrants drawn upon the City 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, and no money shall be otherwise paid than upon such warrants so drawn.

**32-39: NOTIFICATION TO PERSONS ELECTED OR APPOINTED.** The City Clerk, within five (5) days after the result of an election is declared or an appointment is made, shall notify all persons elected or appointed to office of their election or appointment.

**32-40: OTHER DUTIES.** In addition to the foregoing duties, the City Clerk shall perform all other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the City Council. He shall attest all documents which convey an interest in real estate owned by the City.

**32-41: DEPUTY CLERK.** When authorized by the City Council, the City Clerk 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 City 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 corporate authorities have determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions.

**32-42: OATHS OF OFFICE - BOND.** The City Clerk shall accept and file the oaths of office and bond of all City elected and appointed officers who are required by law to file such an oath and bond.

**32-43: SURETY BOND.** The City Clerk shall furnish and execute a bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00) with surety of some company or corporation, lawfully authorized by the laws of the State of Illinois to act as surety thereon for the faithful performance of his duties and for accounting and payment of all monies collected and received by him in the performance of such duties as City Clerk as required by City Codes, ordinances or laws of the State of Illinois as in such case is by statute made and provided; the premium for such surety on such bond shall be paid by the City.

**32-44: SALARY.** The City Clerk shall receive an annual salary of Five Thousand Dollars (\$5,000.00).

**32-45: RESERVED.**

#### *CITY TREASURER*

**32-46: 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 City Council Committee on Finance and the City Treasurer.

**32-47: FINANCE COMMITTEE.** The standing committee on 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.

**32-48: ELECTION AND VACANCY.** The Treasurer 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. If a vacancy occurs in the office, it shall be filled by the Mayor, with the advice and consent of the City Council. The person so appointed shall hold office for the unexpired term of the officer elected.

**32-49: MONEY; WARRANTS; ACCOUNTS.** The City Treasurer shall receive all monies belonging to this City and shall pay all warrants signed by the Mayor and countersigned by the City Clerk and not otherwise and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment and upon what account paid, and he shall file copies of such receipts with the Clerk with his monthly reports.

**32-50: WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid by him, showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid, and he shall cancel all warrants as soon as redeemed by him.

**32-51: SEPARATION OF FUNDS.** The Treasurer shall keep all moneys in his hands belonging to this City separate and distinct from his own money and he shall not use, either directly or indirectly, the City moneys or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this Section shall subject him to removal from office by the City Council.

**32-52: 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 Thousand Dollars (\$10,000.00). Such bond shall be filed with the Clerk as required by statute.

**32-53: SPECIAL FUNDS.** All moneys received by the City Treasurer on any special tax or special assessment shall be held by the Treasurer as a special fund to be applied to the payment of the improvement for which such special tax or special assessment was made and said money shall be used for no other purpose whatsoever, except to reimburse the City for money expended for such improvement.

**32-54: BOOKKEEPING.** The Treasurer shall keep his books and accounts in such a manner as to show with accuracy all monies received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor, the Finance Committee and/or any member of the City Council.

**32-55: STATEMENTS.** The Treasurer shall report to the corporate authorities at the first 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.

**32-56: 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.

**32-57: YEAR-END REPORT.** At the close of the fiscal year, the Treasurer, with the assistance of the City Clerk, shall make out and file with the City Clerk annually a full and detailed report of all the receipts and expenditures of the corporation as shown by his books and of his transactions as such Treasurer during the preceding fiscal year and he shall, in such report, show the state of the City Treasury at the close of said year, which report the City Clerk shall publish as required by law.

**32-58: DEPOSITORIES.**

**(A) Designation by City Council.** The City Treasurer is hereby required to keep all funds and monies in his custody belonging to the City in such places of deposit as are designated from time to time by resolution of the City Council. The corporate authorities shall designate a bank or banks or savings and loan or savings and loans in which may be kept the funds and monies of the City in the custody of the City Treasurer. When a bank or savings and loan has been designated as a depository, it shall continue as such depository until ten (10) days have elapsed after a new depository is designated and has qualified as provided by law. So long as there are two (2) or more designated depositories, the City Council may terminate any depository by resolution without naming an additional depository if it so chooses. The terminated depository shall have ten (10) days in which to transfer funds as directed by the City Council. When a new depository is designated, the corporate authorities shall notify the Treasurer of that fact in writing at least five (5) days before the transfer of funds.

**(B) Qualifications of Bank or Savings and Loan.** No bank or savings and loan shall be qualified to receive City funds or monies until it has furnished the corporate authorities with copies of the last two (2) sworn statements of resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of Currency. Each bank or savings and loan designated as a depository for such funds or monies shall, while acting as a depository, furnish the corporate authorities with a copy of all statements and resources and liabilities which it is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of Currency and in the case of a savings and loan, in addition, as a savings and loan is required to report to the Federal Deposit Insurance Corporation. Further, the bank or savings and loan wishing to be a depository of the City shall execute a deposit agreement as is approved from time to time by the City Council of the City. Such agreement shall contain terms and conditions within the preview of Sections 32-58 and Section 32-59 of this Code and 30 ILCS 235/0.01, et seq. of the Illinois Public Funds Investment Act. The agreement may be more restrictive than the terms of the Illinois Statutes.

**32-59: INVESTMENTS.** Funds of the City shall be invested 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 statutes and ordinances of the City governing the investment of public funds. The majority of the City funds shall be invested in savings and lending institutions located within the City. Surplus funds and reserve funds of the City shall be invested in such institutions with the investments being awarded to the highest bidder from time to time. The daily operating funds of the City shall be deposited in the City's depository(ies) as approved at the first meeting in May of each year with such funds drawing the same or better interest which the depository pays to its general customers on similar accounts. All other investments shall be subject to the following terms and conditions:

**(A) Authorized Investments:**

- (1)** General Obligation Securities of the United States of America or of the State of Illinois;

- (2) Certificates of Deposit and Time Deposits in any bank or savings and loan where such investments are insured by the Federal Deposit Insurance Company;
- (3) Money Market Certificates;
- (4) Short Term Discount Obligations of the Federal National Mortgage Association; and
- (5) Illinois Public Treasurer's Investment Pool.

**(B) Depository(ies).** At the first regular meeting in May of each year, the City Council shall approve of places of deposit where the City Funds are authorized to be kept. The City Treasurer is required to keep all funds and money in his custody which belongs to the Municipality within the depository(ies) so designated. The City Council at the same meeting shall designate the depository(ies) for the City's daily operating funds.

(1) City funds or monies are deposited in a depository shall be insured by the Federal Deposit Insurance Corporation. Any amount deposited in any depository which exceeds the permissible amount insured by the Federal Deposit Insurance Corporation shall be fully collateralized by United States Government Securities and securities of agencies thereof as defined in 30 ILCS 235/2(c), as amended from time to time, at the fair market value in an amount in excess of the total City funds deposited with such depository together with accrued and anticipated interest on all accounts so deposited.

(2) On the first business day in January and on the first business day in July of each year, each depository of City funds shall verify under oath the amount of securities which it has pledged as collateral for this purpose, identifying each security pledged. Each depository shall provide on a continuing basis original receipts of the City of all securities so pledged as collateral. If any depository has municipal funds which exceed the collateral pledged, it will either promptly increase the amount of securities pledged to the City as collateral for its funds or will release funds of the City to the City immediately with no penalty assessed against the City.

(3) If the securities pledged by any depository as collateral should become depreciated or become insufficient in value, the City shall have the right at any time and from time to time to declare the entire or any part of the deposit or deposits to become due and payable unless the depository provides additional security. If such additional security is not provided, the City may, from time to time, sell, assign and deliver any and all of the securities pledged, and any additions thereto and all substitutions therefore, or any part thereof, at any public or private sale, at the option of the City, and without advertising the same, and without any notice to the depository, and with the right on the part of the City to be a purchaser at any public sale or sales.

**(C)** The City Council, by resolution, shall adopt and approve a depository agreement from time to time pursuant to Section 32-58 of this Code. The agreement shall be executed by each bank and savings and loan wishing to be a depository of the City.

**(D) Report.** The City Treasurer shall review all investments of the City at least quarterly, filing a written report with the City Council stating the amount of funds deposited with each depository, the sufficiency or lack thereof with the collateral securing such funds, and whether or not all pledged securities are deposited in escrow with an unrelated corresponding bank, the Federal Reserve Bank or the Federal Home Loan Bank.

**(E) Term of Investment.** Each investment and the term of each investment shall be based on a “prudent man rule” considering the desired safety, liquidity and rate of return.

**(F) Ethics and Conflicts of Interest.** In making any investment, the City shall follow the applicable ethics and conflicts of interest laws of the State of Illinois.

**32-60: SALARY.** The City Treasurer shall receive an annual salary of One Thousand Five Hundred Dollars (\$1,500.00).

**32-61: RESERVED.**

#### *CITY ATTORNEY*

**32-62: APPOINTMENT.** The Mayor, with the advice and consent of the City Council, may appoint a City Attorney who shall be appointed at the first meeting in May of each year and serve a one (1) year term unless removed pursuant to Section 32-19 of this Code. The City Attorney may also be known as Corporation Counsel.

**32-63: SERVICES OF ATTORNEY.** The City Attorney shall have full charge of the law affairs of the City and shall be known as the City Attorney, and shall receive reasonable fees for services rendered when, in his judgment, or in the judgment of the Mayor or the City Council, the same are necessary or for the best interests of the City.

**32-64: 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.** When required, he shall 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 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 therefor.

**(D) Commissions.** The City Attorney shall act as the legal advisor for all the utility systems, for the Planning Commission and all other boards and commissions.

**(E) 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, City Council, or any committee thereof.

**(F) Prosecution of Suits.** He shall not be required to prosecute any suit or action arising under the ordinances of the City when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable.

**32-65 to 32-66: RESERVED.**

*CODE ADMINISTRATOR*

**32-67: CREATION OF OFFICE.** There is hereby created the full-time salaried executive position of Code Administrator, which officer shall be appointed by the Mayor, with the advice and consent of the City Council.

**32-68: DUTIES.** The Code Administrator shall have the following duties:

**(A)** Code Administrator, or his authorized representative, shall act according to Section 170-3. He shall have all powers and duties as set forth in these Codes. The Code Administrator shall replace the terms “Code Official”, “Administrator”, “Building Inspector”, “Zoning Administrator”, “Zoning Code Official” or any other similar term as used within the Code of Ordinances.

**(B)** Prepare and cause to be published on or before March 31st of each year, a map showing the existing zoning uses and classifications in effect on the preceding December 31st.

**(C)** Prepare a monthly written report for the Mayor and City Council as to all zoning and subdivision activities for the preceding month, such reports to include but not be limited to statements of the number of permits and certificates issued and orders promulgated as well as the status of all subdivision applications and current status of preliminary plats.

**(D)** Observe all subdivision infrastructure construction so that all such construction conforms to the approved infrastructure plans and specifications for each new subdivision.

**(E)** Provide construction observation during construction of City utilities and streets by third-party contractors to insure compliance with the authorized construction plans.

**(F)** Prepare, maintain and update maps for location of all streets and utilities, zoning classifications and preparation of a comprehensive plan map annually.

(G) Meet with and present to prospective developers a packet containing all subdivision and zoning codes and all pertinent utility rules, regulations and building codes.

(H) Prepare Motor Fuel Tax documents for an annual street maintenance plan for curbs, gutters and sidewalks. The plan will be prepared under the direction of the City Superintendent of Streets.

(I) Attend City Council meetings, Public Works committee meetings and meetings and hearings relating to zoning and subdivisions.

(J) Performing any other duty as assigned by the Mayor.

(K) Enforce City Building Codes for new residential construction upon passage of such codes by City. The terms "residential construction" shall apply whenever a building permit must be applied for and is required.

(L) Prepare any Notice required and the Charging Document, being a Notice to Appear, Citation, Ticket, Complaint or a combination of the same, for any offense against the Codes of which the Code Administrator is in charge or the Codes of which the Mayor temporarily or permanently assigned to the Code Administrator. Further, the Code Administrator may serve the Charging Document upon the accused violator according to all provisions of the law. Illinois Supreme Court Rule 572 and 573.

**32-69: ASSISTANCE.** The Code Administrator may request and shall be given assistance from and by all City Department Heads and the City Attorney when assistance is requested.

**32-70: SUPERVISION.** The Code Administrator shall be under the control and direction of the Mayor and his appointee(s).

**32-71: RESIDENCY.** The Code Administrator shall, as a condition of employment with the City, resident within the City limits of the City of Red Bud, Illinois during the course of their employment. The Code Administrator shall have a period of one (1) year from their date of hire to reside within the City limits of the City of Red Bud, Illinois.

**32-72 TO 32-73: RESERVED.**

#### *CITY SUPERINTENDENT*

**32-74: POSITION ESTABLISHED.** There is hereby created the office of City Superintendent who shall hereafter be known as the "Superintendent". He shall be appointed by the Mayor with the advice and consent of the City Council at the annual meeting.

**32-75: DUTIES AND RESPONSIBILITIES.** The duties and responsibilities of the City Superintendent shall be as follows:

(A) Shall be responsible for the overall supervision of the utility departments.

(B) Shall coordinate the various work projects among the utility and street departments and swimming and park departments.

**(C)** Shall file timely reports containing his recommendations with the Mayor and the City Council.

**(D)** Shall plan for the operation of utility departments with special emphasis given to rate structures, employment, dismissal of personnel, and securing price quotations.

**(E)** Shall be responsible for establishing an operating and capital budget for all departments that are his responsibility.

**(F)** Shall be responsible for the general and preventive maintenance of all departments.

**(G)** Shall be the primary person responsible for overseeing construction of new plants.

**(H)** Shall be responsible for submitting recommendations to the Public Works Committee regarding new plant construction.

**(I)** Shall be responsible for preparing "as built" and field drawings and maps for the City records.

**(J)** Shall be responsible for maintenance preparation and storage of all utility maps and records.

**(K)** Shall assign labor forces as needed, and shall inspect new utility services.

**(L)** Shall supervise the construction and maintenance of the utility services, including, but not limited to transmission, metering, and distribution.

**(M)** Shall prepare a monthly report summarizing the activities in the utility systems and departments.

**(N)** Shall prepare monthly and annual reports required by the State and/or Federal authorities.

**(O)** Shall have the authority to make all operating and capital purchases up to Five Thousand Dollars (\$5,000.00) per item, pursuant to this Chapter.

**(P)** Shall check all merchandise received against all invoices and billed amounts for certification of payment in his departments.

**(Q)** Shall possess sufficient expertise so as to be capable of understanding and interpreting engineering plans for the design, construction, maintenance and operation of the utility systems, including distribution and metering techniques.

**(R)** Shall be familiar with all utility distribution networks as well as the continuance of the current high level of services.

(S) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs for the City.

(T) Shall provide for the continual training of utility and street personnel through seminars, conferences, literature and "on-the-job" training.

(U) Shall be responsible for complying with all State and Federal regulations for all phases of the utility and street departments and the swimming pool.

(V) Shall be responsible for the planning operation and maintenance of service provided by the utility departments.

(W) Shall determine, recommend, and implement all items for the improvement of the utility operations and customer services to the Public Works Committee, City Council and Mayor.

**32-76: RESIDENCY.** The City Superintendent shall, as a condition of employment with the City, reside within the City limits of the City of Red Bud, Illinois during the course of their employment. The City Superintendent shall have a period of one (1) year from their date of hire to reside within the City limits of the City of Red Bud, Illinois.

**32-77 TO 32-78: RESERVED.**

#### *CITY ADMINISTRATIVE ASSISTANT*

**32-79: POSITION ESTABLISHED.** There is hereby created the office of City Administrative Assistant. This appointee shall assist the Mayor and the City Council in planning, organizing, coordinating, and evaluating all administrative activities and functions of the City.

**32-80: APPOINTMENT AND APPROVAL.** The City Administrative Assistant shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May of each year, serving a one (1) year term unless removed pursuant to Section 32-19 of this Code. The City Administrative Assistant shall work full-time under the supervision and direction of the Mayor. The City Administrative Assistant shall have the education, experience and skills as determined from time to time by the City Council.

**32-81: RESIDENCY.** The City Administrative Assistant shall, as a condition of employment with the City, reside within the City limits of the City of Red Bud, Illinois during the course of their employment. The City Administrative Assistant shall have a period of one (1) year from their date of hire to reside within the City limits of the City of Red Bud, Illinois.

**32-82: SALARY OF CITY ADMINISTRATIVE ASSISTANT.** The City Administrative Assistant's salary shall be set each year by the City Council on the first (1<sup>st</sup>) Monday in May.

**32-83: OFFICE HOURS AND DUTIES.** The City Administrative Assistant shall have the responsibility of having City Hall open from 7:30 A.M. to 4:00 P.M., Monday through Friday

except on holidays and shall schedule staff to work these hours. In addition, the City Administrative Assistant shall have the following duties:

**(A) Permits and Reports.** Issue burial permits and certify copies of same and deposit monies received therefrom in the General Fund. The City Administrative Assistant shall prepare monthly birth and death records for Randolph County and the State of Illinois.

**(B) Cemetery Records.** Keep the cemetery records up-to-date and shall sell cemetery lots to those requesting same. The selling price of any cemetery lot shall be determined from time to time by the City Council.

**(C) Addresses of Subdivisions.** Address all new subdivisions and keep the City Directory up-to-date.

**(D) Hunting, Fishing and Business Licenses.** Sell and issue hunting and fishing licenses and deposit the money received therefrom in a special fund. Sell and issue all City licenses and permits required under the City Code and deposit the monies therefrom in the proper City account(s).

**(E) Inspection of Records.** Have available for inspection all warrants, books, vouchers and papers pertaining to this office by the Mayor, and Aldermen or Auditor of the City.

**(F) Supervision of City Hall.** Supervise the operation of City Hall and its employees as follows:

**(1)** Oversee the supervision, scheduling, training and evaluation of all workers in City Hall.

**(2)** Prepare the Annual City Hall Budget.

**(3)** Plan for and recommend the purchase of supplies and equipment for City Hall.

**(4)** Appoint employee(s) to work in his office so long as the appointment is authorized by the City Council and approved by the Mayor.

**(G) Additional Duties.** Perform all supplemental duties required by law and all other duties imposed by City codes, ordinances and amendments thereto and the Mayor and/or the City Council.

**32-84: SAFETY OFFICER.** The City Administrative Assistant is the designated Safety Officer for the City and shall oversee the safety activities in all City Departments and ensure that each Department is following all Federal, State, County and City safety requirements and in such capacity shall:

**(A)** Serve as the City-wide Safety Coordinator performing all duties and responsibilities required of the position.

**(B)** Chair both the City Safety Committee and the City Accident Review Committee.

(C) Review and monitor the method of regular safety inspection of all City Departments.

**32-85: PUBLIC RELATIONS.** The City Administrative Assistant shall, under the direction of the Mayor, serve as City Public Relations Coordinator, directing, advising and supervising those activities which promote the best interests of the City and its citizens and as such shall receive and respond to citizen inquires and complaints and represent the City at public functions.

**32-86: GRANT ADMINISTRATOR.** The City Administrative Assistant shall apply for and administer all grants for the City. The City Administrative Assistant shall determine the availability of grant funds needed to assist the City in funding its projects and services to its citizens.

**32-87: DOCUMENTS, COMMISSIONS, LICENSES.** The City Administrative Assistant 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. He shall report to the City Council at its regular meeting each month, and more often if the Council so requires the data contained in his records with respect to licenses, commissions and permits issued during the previous month.

**32-88: PLANNING AND POLICY.** The City Administrative Assistant shall, under the direction and supervision of the Mayor, assist the Mayor and City Council as follows:

(A) **Activities.** Plan, organize, monitor, coordinate and evaluate all City functions and services, and assist department heads with program implementation and administration.

(B) **Policies.** Research activities in reference to policy and procedures and make recommendations to the Mayor and City Council and provide support for all committees established by the City. He shall attend all City Council meetings and shall attend committee meetings when requested by the Chairman of the Committee.

**32-89: FINANCE OFFICER.** Except for the duties of the City Treasurer as required by this Code and the Illinois State Statutes, the City Administrative Assistant shall be the City's Financial Officer and as such shall have the following duties:

(A) Keep accurate financial records of all accounts necessitated by his duties. Under the direction of the Finance Committee, he shall open and keep a complete set of books in which, among other things, shall be set forth the appropriations of the fiscal year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue so far as he can ascertain the same. He shall accurately prepare, retain and maintain all operating and payroll records (including City employee time records).

(B) Prepare the City payroll for all City employees and officers. Prepare quarterly Social Security reports and quarterly withholding tax reports and at the end of the year, prepare W-2 forms for all employees and officers of the City, all as required by the Federal and/or State governments.

**(C)** Prepare monthly State of Illinois utility tax reports on the City gas and electric utilities.

**(D)** Coordinate the preparation of the annual State of Illinois report and independent City Audit with the City Treasurer and the City Auditor.

**(E) Annual Appropriation and Budget.** On or before the first (1<sup>st</sup>) Monday in May in each year and before the annual appropriation and budget to be made by the City Council, submit to the City Council, proposed budget and appropriation reports of his estimates as nearly as may be of monies necessary to defray the expenses of the corporation during the current fiscal year. In the proposed reports, he shall 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 officers or departments, with any proposed improvements, and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpected 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 5/8-2-1, et seq.

**(F) Tax Levy.** Submit the tax levy ordinance to the Mayor and City Council so that it may be adopted and filed with the Clerk of Randolph County, Illinois on or before the third (3<sup>rd</sup>) Tuesday in December of each year. 65 ILCS 5/8-3-1, et seq.

**(G) Financial Reports.** On or before the regular meeting in each month, make out and submit to the City Council a written report of all the monies received and warrants drawn by him during the preceding month, showing therein from what sources and on what account monies were received; and for what purpose and on what account the warrants were drawn or paid and the bills to be paid to be listed. The City Administrative Assistant shall make out and submit to the City Council at its regular monthly meeting a statement of all unpaid bills and such statement shall be given to the City Council before its regular monthly meeting.

**(H) Audit Accounts.** Audit all accounts or claims allowed by the City Council as provided by the ordinances and when such claims are allowed as aforesaid, the City Administrative Assistant shall draw a warrant in due form upon the City Treasury therefor.

**(I) Supervision of Municipal Officers.** Supervise all municipal officers who are charged in any manner with the receipt, collection or disbursement of municipal revenue or with the collection and return of the municipal revenue into the Treasury.

**32-90: COLLECTOR.** The City Administrative Assistant is the Collector for the City and as such shall have the following duties:

(A) Price meter books for all utilities and send out all statements as required by this Code or City Ordinances to the users of the City's utility services.

(B) Send letters to all delinquent utility customers and direct services to be terminated if bills are not paid as required by this Code and/or City Ordinances.

(C) Collect all City utility funds and City funds except those required to be collected by the City Clerk, if any, and deposit all monies received to the credit of the City accounts as directed by the City Council.

(D) All duties of the City Collector stated in Title VII of the City Code.

**32-91: SURETY BOND.** The City Administrative Assistant shall furnish and execute a bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00) with surety of some company or corporation, lawfully authorized by the laws of the State of Illinois to act as surety thereon for the faithful performance of his duties and for accounting and payment of all monies collected and received by him in the performance of such duties as City Administrative Assistant as required by City Code, Ordinances or laws of the State of Illinois as in such case is by statute made and provided. The premium for such surety on such bond shall be paid by the City.

**32-92: ASSISTANT TO THE CITY ADMINISTRATIVE ASSISTANT.** The office of Assistant to the City Administrative Assistant is hereby created. This appointee shall assist the City Administrative Assistant in all of such office's functions and duties and be responsible for those duties in the absence of the City Administrative Assistant as stated in this City Code. When, in the discretion of the Mayor, the Mayor believes that it is in the best interest of the City that an Assistant to the City Administrative Assistant be appointed, the Mayor shall have the authority to appoint an Assistant to the City Administrative Assistant with the advice and consent of the City Council. The Assistant to the City Administrative Assistant shall be appointed at the City's annual meeting in May of each year so long as the Mayor believes that such position is needed. The term of an Assistant to the City Administrative Assistant shall be for one (1) year.

**32-93 TO 32-94 RESERVED.**