

**TITLE III: ADMINISTRATION - CONTINUED****CHAPTER 34: BOARDS AND COMMISSIONS***PLANNING COMMISSION*

**34-1: ESTABLISHED.** A Planning Commission is hereby created under authority of the 65 ILCS 5/11-12-4 through 11-12-12.

**34-2: MEMBERSHIP.** The Planning Commission shall consist of nine (9) members; the members shall reside within the City or within territory contiguous to the City and not more than one and one-half (1 1/2) miles beyond the corporate limits and not included within any other municipality, appointed by the Mayor on the basis of their particular fitness for their duty on the Planning Commission and subject to the approval of the City Council.

**34-3: TERM OF OFFICE.** Each member shall serve for a period of three (3) years from date of his appointment, and until his successor has been selected and qualified. Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the City Council deems it advisable, they may receive such compensation as provided by the City Council by appropriation.

**34-4: PROCEDURE.** The Planning Commission shall elect such officers as it may deem necessary and adopt rules and regulations of organization and procedure consistent with the City Code and State Law. The Commission shall keep written records of its proceedings on file in the City Clerk's office and such records shall be open at all times for and to the inspection of the public, and the Commission shall file an annual report with the Mayor and City Council, setting forth its transactions and recommendations.

**34-5: POWERS AND DUTIES.** The Planning Commission shall have the following powers and duties;

(A) To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than one and one-half (1 1/2) miles beyond the corporate limits of the City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan or part thereof of the City. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the City Council.

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

(B) To designate land suitable for annexation to the City and the recommended zoning classification for such land upon annexation. 65 ILCS 5/7-1-1, et seq.

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

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

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

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

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

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

**34-6: LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP.** At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one (1) or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within one and one-half (1 1/2) miles from the corporate limits of the City. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the City or within contiguous territory which is not more than one and one-half (1 1/2) miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map.

**34-7: IMPROVEMENTS.** The City Clerk shall furnish the Planning Commission for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Planning Commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the City Council.

**34-8: FURTHER PURPOSES.** The Planning Commission shall recommend the boundaries of districts for land use and shall recommend regulations to the corporate authorities for the following:

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

(B) To establish, regulate and limit the building or setback lines on or along the street, traffic way, drive, park way, or storm or flood water runoff channel or basin.

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

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

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

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

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

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

**34-9: EXPENDITURES.** Expenditures of the Commission shall be at the discretion of the City Council and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the City Council and appropriations by the City Council therefor.

**34-10: RESERVED.**

65 ILCS 5/11-12-4, et seq.

*ECONOMIC DEVELOPMENT COMMISSION*

**34-11: COMMISSION CREATED.** There is hereby created a Red Bud Economic Development Commission.

**34-12: MEMBERSHIP.** The Economic Development Commission shall consist of a maximum of twelve (12) members who are representatives of the community and who shall be appointed by the Mayor with the advice and consent of the City Council, each of which shall serve a four (4) year term.

**34-13: CITY COUNCIL MEMBER.** One (1) additional member shall be appointed by the Mayor with the advice and consent of the City Council, that member shall be a member of the City Council who shall serve as Chairman of the Commission during his term as Alderman.

**34-14: VACANCIES.** Each term shall run from May 1 until April 30, four (4) years later.

**34-15: QUORUM.** A majority of the members of the Economic Development Commission shall constitute a quorum and the Committee shall establish a time and place for its meetings and the rules for conducting same.

**34-16: MISSION STATEMENT.** The mission of the Economic Development Commission shall be to study the current status of economic development with the City, to propose strategies to the City Council for retaining existing business and for attracting new industry and retail business, and to suggest policies which would help promote general economic development.

**34-17: REPORT TO CITY COUNCIL.** The Economic Development Commission shall report its actions to the City Council at least quarterly.

**34-18: EXPENDITURES APPROVED.** Expenditures required in the operation of the Commission shall be approved by the City Council and then forwarded to them for payment.

**34-19: REVOLVING LOAN FUND PROGRAM.** This Section is intended to ensure that Revolving Loan Funds repaid to the City are expended in accordance with relevant State and Federal laws and regulations and in a manner which will maximize long-term economic returns to the City and its residents.

**(A) GUIDING PRINCIPLES.** All Revolving Loan Funds repaid to the City shall be expended in accordance with all relevant rules and regulations promulgated by the Economic Development Commission or the City Council.

**(B) RECAPTURE STRATEGY.** The objectives of the City's Recaptured Funds Strategy are as follows:

**(1)** To ensure availability of fully-serviced industrial and commercial sites for those businesses which have given the City firm commitment to expand or locate in the City.

**(2)** To increase accessibility to long-term, fixed asset financing for new or expanding businesses in the City.

**(3)** To increase local employment opportunities, tax base, and personal income.

**(C) PROGRAM OPERATION AND ADMINISTRATION.** Responsibility for decision-making on specific uses of recaptured funds shall be vested with the City Council. In addition, the City Council is empowered to establish policies and procedures for citizen involvement and use advisory committees to solicit recommendations on the use of recaptured funds.

Policies and procedures adopted by resolution, by the Mayor and City Council members shall incorporate the following minimum requirements:

**(1)** From time to time, an Annual Recaptured Funds Plan shall be prepared and adopted by the City Council. Such plan will reflect citizen input, environmental considerations, and priorities for re-use of recaptured funds in accordance with community needs and the aforementioned State and Federal Regulations.

**(2)** Recaptured funds will be reserved for use in projects and programs which contribute to the stabilization and expansion of the local economic base, including any or all of the following uses:

(a) To finance critical public infrastructure improvements in support of economic development.

(b) To capitalize a revolving loan fund for economic developments. Loans shall be made to finance fixed assets of employment generating firms. Loans may be used in combination with other public/private lending sources or programs.

(c) To finance administrative costs of the revolving loan fund and planning costs of public infrastructure improvements, subject to a limit of ten percent (10%) of the total recaptured funds.

(3) Preference for uses of recaptured funds shall be given to activities which benefit low income and moderate income individuals, as defined by the U.S. Department of Housing and Urban Development.

(4) Amendments, additions, deletions, or changes to this Chapter shall be made by passage of an ordinance.

**34-20: MICRO LOAN PROGRAM.** This Section is to govern the micro loan program and regulations as established by the City.

**(A) ESTABLISHMENT.** The City hereby establishes a micro loan program to provide funds to assist economic development activities within the City. The City may provide funds for the program as needed and the City may accept any other funds from any source whatsoever which are designated to the micro loan program.

**(B) REGULATIONS.**

(1) The Economic Development Commission of the City is authorized to create and revise regulations to further govern the micro loan program and its operations, subject to approval by the City Council.

(2) The micro loan program must comply with any state or federal laws that may apply to it or to any funds placed into the micro loan program fund.

**(C) PROGRAM OPERATIONS.** The decision on the use or lending of micro loan program funds lies solely with the City Council.

**(D) DISCONTINUATION.** If the micro loan program is discontinued by the City Council, then any funds remaining in the loan program shall revert to the Economic Development Revolving Loan Fund of the City, except for such funds provided under any grant which shall be returned to grantor.

**34-21 to 34-23: RESERVED.**

*LIBRARY BOARD*

**34-24: ESTABLISHED.** There is hereby established a Public Library for the use and benefit of the inhabitants of the City.

**34-25: APPOINTMENT - COMPENSATION.** The Mayor shall, with the approval of the City Council, proceed to appoint a board of nine (9) trustees for the Public Library, chosen from the citizens at large with reference to their fitness for such office. Not more than one (1) member of the City Council shall be (at any one time) a member of the Library Board.

Trustees of the Library Board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds.

**34-26: TERM.** The Mayor shall, before the July 1<sup>st</sup> of each year, appoint three (3) trustees to take the place of the retiring trustees who shall hold office for three (3) years and until their successors are appointed. By and with the advice and consent of the City Council, the Mayor may remove any Trustee as provided in Section 32-19.

**34-27: VACANCIES.** Vacancies shall be declared in the office of a trustee by the Board when the trustee declines or is unable to serve, or is absent without cause from all regular board meetings for a period of one (1) year, or is convicted of a misdemeanor for failing, neglecting, or refusing to discharge any duty imposed upon a trustee or becomes a nonresident of the City, or who fails to pay the library taxes levied by the corporate authorities.

**34-28: OATH OF OFFICE; ORGANIZATION; MEETINGS.**

(A) Within sixty (60) days after their appointment, the new trustees shall take their oath of office and meet to organize the Board. The oath shall consist of the following:

"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 trustee according to the best of my ability."

(B) The first action taken at the organizational meeting of the Board shall be the election of a president and a secretary and such other officers as the Board may deem necessary, and the Board shall further provide in the bylaws of the Board as to the length of the terms in office. The trustees shall determine the time and place of all official meetings of the Board at which any legal action may be taken and shall post notice thereof at the public library maintained by the Board and at not less than one public place within the corporate confines of the area of library service forty eight (48) hours in advance thereof.

**34-29: CUSTODIAN OF FUNDS.** The City Treasurer shall be the custodian of all funds of the Library Board of Trustees. The cost of any bond necessary to satisfy the requirements of 75 ILCS 5/4-9, as amended, shall be borne by the library.

**34-30: POWERS AND DUTIES.** Each trustee of the City Library Board shall carry out the spirit and intent of this Chapter in establishing, supporting and maintaining a public library or libraries for providing library service and, in addition to, but without limiting other powers conferred by this Chapter shall have the following powers:

(A) To make and adopt such bylaws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with this Chapter.

**(B)** To have the exclusive control of the expenditure of all monies collected for the library and deposited to the credit of the library fund;

**(C)** To have the exclusive control of the construction of any library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose;

**(D)** To purchase or lease real or personal property, and to construct an appropriate building or buildings for the use of a library established hereunder, using, at the Board's option, contracts providing for all or part of the consideration to be paid through installments at stated intervals during a certain period not to exceed twenty (20) years with interest on the unpaid balance at any lawful rate for municipal corporations in this State, except that contracts for installment purchases of real estate shall provide for not more than seventy-five percent (75%) of the total consideration to be repaid by installments, and to refund at any time any installment contract entered into pursuant to this paragraph by means of a refunding loan agreement, which may provide for installment payments of principal and interest to be made at stated intervals during a certain period not to exceed twenty (20) years from the date of such refunding loan agreement, with interest on the unpaid principal balance at any lawful rate for municipal corporations in this State, except that no installment contract or refunding loan agreement for the same property or construction project may exceed an aggregate of twenty (20) years;

**(E)** To remodel or reconstruct a building erected or purchased by the Board, when such building is not adapted to its purposes or needs;

**(F)** To sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes, and to lease to others any real property not immediately useful, but for which plans for ultimate use have been or will be adopted, however, the corporate authorities shall have the first right to purchase or lease;

**(G)** To appoint and to fix the compensation of a qualified librarian, who shall have the authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees, subject to the approval of the Board, but these powers are subject to Division 1 of Article 10 of the Illinois Municipal Code in municipalities in which that Division is in force. The Board may also retain counsel and professional consultants as needed;

**(H)** To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities and the provisions of this Chapter. This power includes, but is not limited to participation in interstate library compacts and library systems, and to contract to supply library services and for the expenditure of any Federal or State funds made available to any county, municipality, township, or to the State of Illinois for library purposes;

**(I)** To join with the board or boards of any one or more libraries in this State in maintaining libraries, or for the maintenance of a common library or common library services for participants, upon such terms as may be agreed upon by and between the boards;

**(J)** To enter into contracts and to take title to any property acquired by it for library purposes by the name and style of "The Library Board of Trustees of the City of Red Bud," and by that name to sue and be sued.

(K) To exclude from the use of the library any person who willfully violates the rules prescribed by the Board;

(L) To extend the privileges and use of the library; including the borrowing of materials on an individual basis by persons residing outside of the City. If the Board exercises this power, the privilege of library use shall be upon such terms and conditions as the Board shall, from time to time, by its regulations, prescribe and for such privileges and use, the Board shall charge a nonresident fee at least equal to the cost paid by residents of the City, with the cost to be determined according to the formula established by the Illinois State Library. The nonresident fee shall not apply to privilege and use provided under the terms of the library's membership in a library system operating under the provisions of the Illinois Library System Act or under the terms of any reciprocal agreement with a public or private corporation or entity providing a library service;

(M) To exercise the power of eminent domain subject to the prior approval of the corporate authorities under the provisions of 75 ILCS 5/5-1 and 5-2, as amended.

(N) To join the public library as a member in the Illinois Library Association and the American Library Association, non-profit, non-political, (501-C-3) associations, as designated by the Federal Internal Revenue Service, having the purpose of library development and librarianship; to provide for the payment of annual membership dues, fees and assessments and act by, through, and in the name of such instrumentality by providing and disseminating information and research services, employing personnel and doing any and all other acts for the purpose of improving library development;

(O) To accumulate and set apart as reserve funds, portions of the unexpended balances of the proceeds received annually from taxes or other sources for the purpose of providing self-insurance against liabilities relating to the public library;

(P) To invest funds pursuant to 30 ILCS 235/1, et seq., as amended.

**34-31: ADDITIONAL POWERS AND DUTIES.** In addition to all other powers and authority now possessed by it, the Board of Library Trustees shall have the following powers:

(A) To lease from any public building commission created pursuant to the provisions of the Public Building Commission Act, as now or hereafter amended, any real or personal property for library purposes for a period of time not exceeding twenty (20) years;

(B) To pay for the use of this leased property in accordance with the terms of the lease and with the provisions of the Public Building Commission Act, as now or hereafter amended;

(C) Such lease may be entered into without making a previous appropriation for the expense thereby incurred. However, if the Board undertakes to pay all or any part of the costs of operating and maintaining the property of a public building commission as authorized in subparagraph (D) of this Section, such expenses of operation and maintenance shall be included in the annual budget of such board annually during the term of such undertaking;

(D) In addition, the board may undertake, either in the lease with a public building commission or by separate agreement or contract with a public building commission, to pay all or any part of the costs of maintaining and operating the property of a public building commission for any period of time not exceeding forty (40) years.

**34-32: SELECTION AND USE OF LIBRARY MATERIALS.** The Board of Library Trustees may establish and review, at least biennially, a written policy for the selection of library materials and the use of library materials and facilities. No employee may be disciplined or dismissed for the selection of library materials when the selection is made in good faith and in accordance with the written policy required to be established pursuant to this Section.

**34-33: FREE TO PUBLIC.** The library established shall be free for the use of the inhabitants of the City, always subject to such rules and regulations as the Library Board of Trustees may adopt, in order to render the use of the library and reading room to the greatest benefit to the greatest number.

**34-34: ANNUAL REPORT.** Within thirty (30) days after the expiration of each fiscal year of the Municipality, the Library Board of Trustees shall make a report of the condition of their trust on the last day of the fiscal year to the City Council. This report shall be made in writing and shall be verified under oath by the secretary or some other responsible officer of the Library Board of Trustees. The report shall contain the following:

(A) An itemized statement of the various sums of money received from the Library Fund and from other sources;

(B) An itemized statement of the objects and purposes for which those sums of money have been expended;

(C) A statement of the number of books and periodicals available for use and the number and character thereof circulated;

(D) A statement of the real and personal property acquired by legacy, purchase, gift or otherwise;

(E) A statement of the character of any extensions of library service which have been undertaken;

(F) A statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the corporate authority and of the amount of money which, in the judgment of the Library Board of Trustees, it will be necessary to levy for library purposes in the next annual tax levy ordinance;

(G) A statement as to the amount of accumulations and the reasons therefor;

(H) A statement as to any outstanding liabilities including those for bonds still outstanding or amounts due for judgments, settlements, liability insurance, or for amounts due under a certificate of the Board;

(I) Any other statistics, information and suggestions that may be of interest. A report shall also be filed at the same time with the Illinois State Library.

**34-35: DONATIONS.** Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title of the money or real estate so donated in the Library Board of Trustees to be held and controlled by the Board when accepted,

according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the Board of Trustees shall be held and considered as special trustees.

**34-36: DISTURBANCE PROHIBITED - PENALTY.** Any person who shall create any disturbance while in the rooms of the Public Library, or who shall be guilty of any conduct calculated to annoy or disturb others in said library and who shall not cease said conduct when requested to do so by the Librarian or other person in charge, shall be subject to arrest under the provisions of this Chapter.

**34-37: INJURY TO OR FAILURE TO RETURN BOOKS - PENALTY.** No person shall maliciously cut, injure, deface, tear, or destroy any book, newspaper, periodical, or picture belonging to the Public Library. No person shall fail to return any book or books taken from the Library at the time when, by the rules of the Library, the same should be returned. The person shall promptly pay the fine provided for by the rules and regulations governing the Library, as the same have been or may be established by the Library Board of Trustees.

**34-38: REFERENCE.** The City Council does hereby include by reference, all provisions of 75 ILCS 5/4-1, et. seq., as amended, applicable to the City Library that are not provided heretofore.

**34-39 TO 34-40: RESERVED.**