

EXHIBIT 'A'

CHAPTER 1

ADMINISTRATION

ARTICLE I - GENERAL CODE PROVISIONS

DIVISION I - TITLE

1-1-1 **TITLE.** Upon the adoption by the City Council, this "**Revised Code of Ordinances**" is hereby declared to be and shall hereafter constitute the Official City Code. The "**Revised Code of Ordinances**" shall be known and cited as the "**City Code**", and it is hereby published by authority of the City Council and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the City Attorney, acting for said City Council. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading, and to the general penalty clause relating thereto as well as to the section itself when reference is made to this City Code by title in any legal document. **(See 65 ILCS Sec. 5/1-2-3)**

1-1-2 **ACCEPTANCE.** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8.** **(See 65 ILCS Sec. 5/1-2-6)**

1-1-3 **AMENDMENTS.** Any ordinance amending this City Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be semiannually forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code on a semiannual basis.

1-1-4 **CODE ALTERATION.** It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instruc-

tions when so authorized by the City Council. The City Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this City Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons shall be and remain the property of the City and shall be returned to the office of the Clerk when directed to do so by order of the City Council.

1-1-5 **JURISDICTION.** Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the City. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the City to regulate such particular acts outside the corporate limits.

1-1-6 - 1-1-7 **RESERVED.**

DIVISION II - SAVING CLAUSE

1-1-8 **REPEAL OF GENERAL ORDINANCES.** All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal [**subject to the saving clauses contained in the following sections**], from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Salary Ordinances; Ordinances Establishing, Naming or Vacating Streets, Alleys or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the City; and all Special Ordinances.

1-1-9 PUBLIC UTILITY ORDINANCES. No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code, or by virtue of the preceding section, excepting as this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-1-10 COURT PROCEEDINGS. No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

1-1-11 SEVERABILITY OF PROVISIONS. Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

1-1-12 **CITY CLERK'S CERTIFICATE.** The City Clerk's Certificate shall be in the following form:

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF BROWN) ss. **CITY CLERK'S OFFICE**
CITY OF MT. STERLING)

I, **Lois Urven**, City Clerk of the **City of Mt. Sterling, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the City of Mt. Sterling, Illinois**, published by authority of the City Council were duly passed by the City Council of the **City of Mt. Sterling, Illinois**, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **City of Mt. Sterling, Illinois**, this _____ day of _____, 20__.

LOIS URVEN
CITY CLERK
CITY OF MT. STERLING

(SEAL)

1-1-13 **RESERVED.**

DIVISION III - DEFINITIONS

1-1-14 **CONSTRUCTION OF WORDS.** Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included, provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto. The word "shall" is mandatory and not discretionary; the word "may" is permissive.

1-1-15 **DEFINITIONS.** Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT" as used in this Code shall mean a person acting on behalf of another.

"CITY" shall mean the City of Mt. Sterling, Illinois.

"CODE" OR "THIS CODE" shall mean the **"Revised Code of Ordinances of the City of Mt. Sterling"**.

"COUNCIL" unless otherwise indicated shall mean the City Council of this City.

"COUNTY" shall mean the **County of Brown.**

"EMPLOYEES" shall mean the following: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words **"of the City"**.

"FEE" as used in this Code shall mean a sum of money charged by the City for the carrying on of a business, profession or occupation.

"FISCAL YEAR", The "fiscal year" for the City shall begin on **May 1st of each year and end on April 30th of the following year. (See 65 ILCS Sec. 5/1-1-2[5]) (1983 Code; Sec. 8.102)**

"KNOWINGLY" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

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

"MISDEMEANOR" shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY" import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"OCCUPANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"OFFENSE" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

"OFFICERS AND EMPLOYEES". Whenever reference is made in this Code to a City officer or employee by title only, this shall be construed as though followed by the words **"of the City"** and shall be taken to mean the officer or employee of this City having the title mentioned or performing the duties indicated.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the City Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

"OFFICIAL TIME". Central Standard Time shall be the official time for the transaction of City business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced **one (1) hour**. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the City shall be set and run at the official time prescribed by this paragraph.

"OPERATOR" as used in this Code shall mean the person who is in charge of any operation, business or profession.

"OWNER" as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

"PERSON" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY" shall mean and include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation,

right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

"RETAILER" as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

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

"STREET" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

"TENANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"WHOLESALE" AND "WHOLESALE DEALER" as used in this Code unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

"WILLFULLY" when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

"WRITTEN" AND "IN WRITING" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-1-16 CATCHLINES. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1-1-17 - 1-1-18 RESERVED.

DIVISION IV - GENERAL PENALTY

1-1-19 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Five Hundred Dollars (\$500.00)** for any **one (1) offense. (Ord. No. 94-04; 10-11-94)**

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Five Hundred Dollars (\$500.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois. (Ord. No. 94-04; 10-11-94)**

(C) Whoever commits an offense against the City or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another, would be an offense against the City is punishable as a principal.

(E) All municipal ordinance offenses may be satisfied without a court appearance by a written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated. **(See 65 ILCS Sec. 5/1-2-7 and 5/1-2-8)**

1-1-20 MINOR VIOLATIONS PENALTY.

(A) Any person accused of a violation of any section of this Code **except Chapters 34 and 40**, may settle and compromise the claim by paying to the City the sum of **Ten Dollars (\$10.00)** within **ten (10) days** from the time such alleged offense was committed or by paying to the City Clerk the sum of **Twenty-Five Dollars (\$25.00)** subsequent to said **ten (10) day period** and prior to such person being issued a complaint or notice to appear.

(B) The tickets issued under this Section shall be as a courtesy in lieu of arrest. If the person accused of this violation does not settle the claim, a complaint or notice to appear will be issued for that violation and the person shall be subject to the penalties set forth in **Section 1-1-19** of this Code.

1-1-21 APPLICATION.

(A) The penalty provided in this Chapter shall be applicable to every section of this City Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code where any duty is prescribed or obligation imposed or where any act which is of a continuing nature or declared to be unlawful shall be deemed guilty of a misdemeanor. A separate offense shall be deemed

committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-22 **LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

(See 1983 Code; Ch. 24)

ARTICLE II - CITY OFFICIALS

DIVISION I - CITY COUNCIL

1-2-1 **CITY COUNCIL.** The City Council shall consist of the Mayor and **six (6)** Aldermen, **two (2)** from each of the **three (3) wards**, and their term of office shall be for **four (4) years**, and until their successors are elected and have qualified. **(See 65 ILCS Sec. 5/3.1-10-50(D) and 5/3.1-20-10)**

1-2-2 **REGULAR MEETINGS.** The regular stated meetings of the City Council shall be held at the Police Training Facility at the Northeast Water Treatment Plant on the **third (3rd) Monday** of each month at **6:30 P.M.** When said meeting date falls upon a legal holiday, the meeting shall be held on the next secular day at the same hour. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the **Meetings of Public Agencies Action of the State of Illinois, Illinois Compiled Statutes, Ch. 5, Sections 120/1 through 120/5. (See 65 ILCS Sec. 5/3.1-40-25) (Ord. No. 10-03; 03-31-10)**

1-2-3 **SPECIAL MEETINGS.** Special meetings of the City Council may be called by the Mayor or any **three (3)** Aldermen, by giving **at least twenty-four (24) hours notice** thereof, by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Aldermen; such notices shall be served by mail, by the Chief of Police or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the City Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. The notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. **(See 65 ILCS Sec. 5/3.1-40-25 and 5 ILCS Sec. 120/2.02 and 120/2.03) (Ord. No. 91-1; 07-01-91)**

1-2-4 **VACANCY.** When a vacancy occurs, if more than **twenty-eight (28) months** remain in the term and the vacancy occurs not less than **one hundred thirty (130) days** before the next consolidated election, the office shall be filled for the unexpired portion of the term by special election at that consolidated election. During the period from the time that the vacancy occurs until the next election of Aldermen, the vacancy may be filled by the appointment of an Alderman by the Mayor with the advice and consent of the City Council. **(See 65 ILCS Sec. 5/3.1-10-50(B))**

1-2-5 **COMMITTEES.** The following standing committees of the City Council are hereby established, to wit:

(A)

- | | |
|--------------------|-------------------------|
| (1) Public Works | (6) Airport |
| (2) Fire | (7) Lake |
| (3) Cemetery Board | (8) Zoning |
| (4) Police | (9) Community Relations |
| (5) T.I.F. | (10) City Planning |

(Ord. No. 97-98-02; 06-09-97)

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

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

(D) If any vacancy on a committee shall occur for any reason the Mayor may appoint a successor to fill such vacancy for the unexpired term.

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

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

1-2-6 **SPECIAL COMMITTEES.** Special committees may be appointed by the Mayor, subject to the advice and consent of the Aldermen as may be needed from time to time.

1-2-7 **QUORUM.** At all meetings of the City Council, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Council, the Aldermen may adjourn from day to day until is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings. **(See 65 ILCS Sec. 5/3.1-40-20)**

EDITOR'S NOTE: When the Council has a Mayor and six (6) Aldermen, a quorum is four (4), which may consist of the Mayor and three (3) Aldermen, or four (4) Aldermen.

1-2-8 **COMPELLING ATTENDANCE.** Any member who willfully refuses to attend a regular meeting of the Council or who willfully leaves a regular or special meeting without cause before adjournment may be fined not less than **Three Dollars (\$3.00)** nor more than **Fifty Dollars (\$50.00)** for each such failure or willful departure. The Council shall vote on the penalty, but the accused member shall not be permitted to vote on this measure.

Any member of said Council who may have been absent from any regular or special meeting of the Council, may be released from the infliction of the penalty provided, if a majority of the Council shall vote to excuse such absentee for such non-attendance such vote to be by yeas and nays, and entered upon the journal; provided, the Council shall not have power to excuse any absentee unless such absentee shall give a reasonable excuse for his non-attendance.

Absence from the City, or death or sickness of a member of his family, or other unavoidable or unforeseen causes, shall be a reasonable excuse within the meaning of the preceding paragraph.

(1983 Code; Sec. 2.211)

1-2-9 - 1-2-11 RESERVED.

DIVISION II - RULES OF THE CITY COUNCIL

1-2-12 **RULES OF THE COUNCIL.** The following rules of order and procedure shall govern the deliberations and meetings of the City Council.

(A) **Order of Business.** The order of business shall be as follows:

- (1) Call to order by presiding officer.
- (2) Roll Call.
- (3) The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction and approval of the same, unless dispensed with by the Aldermen and correction of the journal of the proceedings of previous meetings.
- (4) Payment of claims and bills.
- (5) Visitors.
- (6) Reports and communications from the Mayor and other City Officers.
- (7) Reports of Standing Committees.
- (8) Reports of Special Committees.
- (9) Presentation of communications, petitions, resolutions, orders, and ordinances by the Aldermen.
- (10) Unfinished business.
- (11) Miscellaneous business.

All questions relating to the priority of business shall be decided by the Chair without debate, subject to appeal.

(B) **Duties of Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Aldermen, and shall decide all question of order, subject to appeal.

In case of any disturbance or disorderly conduct, the presiding officer shall have the power to require that the chamber be cleared.

(C) **Duties of Members.** While the presiding officer is putting the question, no member shall walk across or out of the Council Chamber.

Every member, previous to his speaking, making a motion or seconding the same shall not proceed with his remarks until recognized and named by the Chair. He shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

(D) **Visitors.** No person other than a member of the Council shall address that body on the same question unless such person has been recognized by the Presiding Officer. Each visitor shall be limited to **five (5) minutes** unless extended by the Presiding Officer.

(E) **Presentation of New Business.** When an Alderman wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall read such matter when reached in its proper order.

(F) **Debate.** No member shall speak more than once on the same question except by consent of the Presiding Officer or unless **three-fourths (3/4)** of the corporate authorities agree that one's right to debate should be limited to speak only once and then not until every other Alderman desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration, as the case may be, shall have the right to open and close debate.

[No Alderman shall speak longer than **ten (10) minutes** at any **one (1) time** except by consent of the Council; and in closing debate on any question as above provided, the speaker shall be limited to **five (5) minutes** except by special consent of the Council.]

The City Council, by motion, may limit debate. The Presiding Officer shall have the right to participate in debate. While a member is speaking, no Alderman shall hold any private discussion, nor pass between the speaker and the Chair.

(G) **Call of Aldermen to Order.** A member, when called to order by the Chair, shall thereupon discontinue speaking and take his seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

(H) **Appeals from Decision of the Chair.** Any member may appeal to the Council from a ruling of the Chair, and if the appeal is seconded, the Alderman making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The Presiding Officer shall have the right to participate in debate.

The Chair shall then put the question, "**Shall the decision of the Chair be sustained?**". If a majority of the Aldermen present vote "**No**", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

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

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

(K) **Announcement and Changes of Vote.** The result of all votes by yeas and nays shall not be announced by the Clerk, but shall be handed by him to the Chairman for announcement and no vote shall be changed after the tally list has passed from the hands of the Clerk.

(L) **Precedence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

- (1) To adjourn to a day certain.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) The previous question.
- (6) To refer.
- (7) To amend.
- (8) To defer or postpone to a time certain.
- (9) To defer or postpone (without reference to time.)
- (10) To defer or postpone indefinitely.

Numbers (2), (4), and (5) to be decided without debate.

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

- (1) When an Alderman is in possession of the floor.
- (2) While the yeas and nays are being called.
- (3) When the members are voting.
- (4) When adjournment was the last preceding motion.
- (5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The City Council may, at any time, adjourn over **one (1)** or more regular meetings on a vote of a majority of all the Aldermen authorized by law to be elected.

(N) **Previous Question.** When the previous question is moved on the main question and seconded, it shall be put on this form: "**Shall the main question now be put?**". If such motion be carried, all further amendments and all further motions and debate shall be excluded, and the question put without delay upon the pending amendment in proper order and then upon the main question.

(O) **Motions to Lay on the Table and to Take From the Table.** A motion to lay the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided **two-thirds (2/3)** of the Aldermen vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table, and neither the main question nor such other pending question shall be affected thereby.

(P) **Indefinite Postponement - Motion to Defer or Postpone Without Any Reference to Time.** When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

A motion to defer or postpone, without any reference to time shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature and to possess the same general attributes so far as applicable under these rules as a motion to postpone indefinitely or to a time certain.

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

(R) **Motion to Amend.** A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to "**Strike Out and Insert**", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending questions may be referred to a committee and neither the main question, nor such other pending question shall be affected thereby.

(S) **Filling of Blanks.** When a blank is to be filled, and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

(T) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time, further amendment is admissible; and if accepted by the Aldermen by a vote, shall entirely supersede such original proposition or amendment as the case may be and cut off all amendments appertaining thereto.

(U) **Reconsideration.** A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter. A motion for reconsideration, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by Aldermen who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

(V) **Censure of Aldermen - Expulsion of Aldermen.** Any Alderman acting or appearing in a lewd or disgraceful manner or who uses opprobrious, obscene and insulting language to or about any member of the Council, or who does not obey the order of the Chair shall be, on motion, censured by a majority vote of the members present, or expelled by a **two-thirds (2/3)** vote of all Aldermen elected. **(See 65 ILCS Sec. 5/3.1-40-15)**

1-2-13 AGENDA. An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Council no later than the close of business on the Friday preceding the regular Council meeting. In the case of emergency matters, which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda will be furnished to each member of the Council prior to the opening of the Council meeting.

1-2-14 - 1-2-15 RESERVED.

DIVISION III - ORDINANCES

1-2-16 ORDINANCES.

(A) **Attorney.** It shall be the duty of the City Attorney to prepare such ordinances as may be required by the City Council.

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

(C) **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against a City, or (2) which provide for the expenditure or appropriation of its money, or (3) to sell any City property, and all ordinances, passed by the City Council shall be deposited with the City Clerk. If the Mayor approves of them, he shall sign them. Those of which he disapproves he shall return to the City Council, with his written objections, at the next regular meeting of the City Council occurring not less than **five (5) days** after their passage. The

Mayor may disapprove of any **one (1)** or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of his signature. **(See 65 ILCS Sec. 5/3.1-40-45)**

1-2-17 RECONSIDERATION - PASSING OVER VETO. Every resolution and motion specified in **Section 1-2-16**, and every ordinance, that is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting. If, after such reconsideration, **two-thirds (2/3)** of all the Aldermen then holding office on the City Council shall agree at such regular meeting to pass an ordinance, resolution or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. **(See 65 ILCS Sec. 5/3.1-40-50)**

1-2-18 NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING. No vote of the City Council shall be reconsidered or rescinded at a special meeting thereof unless at such special meeting there are present when such vote was taken.

1-2-19 - 1-2-20 RESERVED.

DIVISION IV - GENERAL PROVISIONS

1-2-21 THE SEAL.

(A) The Corporate Seal of the City shall be the same as that heretofore provided and used by the City. It shall be circular in form with the words, "**City of Mt. Sterling, State of Illinois**" in the outer circle, and the words and numbers, "**Organized Under General Law—March 13, 1875**" in the inner circle. **(1983 Code; Sec. 8.101)**

(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. **(See 65 ILCS Sec. 5/3.1-35-90) (1983 Code; Sec. 3.007)**

1-2-22 ELECTIONS.

(A) **Election Procedure.** The Provisions of the **Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/3.1-10-10** concerning municipal elections shall govern the conduct of the City elections.

(B) **Inauguration.** The inauguration of newly-elected City officials shall occur at the first regular or special meeting of the City Council in the month of May following the general municipal election in April.

1-2-23 APPOINTMENT OF ELECTED OFFICIALS. No Alderman of this City, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor, except if such Alderman is granted a leave of absence from such office. However, such Alderman may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this Section is void.

NOTE: One (1) member may serve on the Library Board. (See 75 ILCS Sec. 5/4-1 and 50 ILCS Sec. 105/2)

1-2-24 MUNICIPAL OFFICERS - REGULATIONS.

(A) **Effect.** The provisions of this Division shall apply alike to all officers and employees of the City regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.

(B) **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 **Section 1-1-19** of this Code. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk. **(See 65 ILCS Sec. 5/3.1-10-35)**

(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. **(1983 Code; Sec. 16.701)**

(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. **(See 65 ILCS Sec. 5/3.1-15-25)**

(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."

(See 65 ILCS Sec. 5/3.1-15-20) (See "Administration of Oaths", Section 1-2-63)

1-2-25 RESIDENCY. No person shall be eligible to hold any municipal office unless he is a qualified elector of the Municipality and has resided therein at least **one (1) year** next preceding his election or appointment. However, these requirements shall not apply to the municipal engineer, municipal attorney or other officers who require technical training or knowledge. However, no person shall be eligible to any municipal office who is arrears in the payment of any tax or other indebtedness due to the City. **(See 65 ILCS Sec. 5/3-14-1 and 5/3-4-15)**

1-2-26 BONDS OF CITY OFFICERS.

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

(1)	Mayor	\$3,000.00
(2)	City Clerk	\$100,000.00
(3)	City Treasurer	\$100,000.00
(4)	Billing Clerk	\$50,000.00

(Ord. No. 03-04-05; 08-12-03)

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

(C) **Surety.** The City Council shall not receive or approve any bond or security whereon the name of the City Council, any one of the Aldermen, or any elected or appointed 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. **(1983 Code; Sec. 8.103)**

1-2-27 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.

1-2-28 LIABILITY INSURANCE.

(A) **Purchase Of.** The City Council shall have the power to purchase liability insurance covering and insuring all municipal officers, employees and elected officials; said insur-

ance 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.

(B) **Indemnification.** If the City Council elects not to purchase liability insurance covering and insuring municipal officers, elected officials and employees as provided in this Section, then the City shall indemnify and cause to defend municipal officers, elected officials and employees from any claim filed by an individual, partnership or corporation when 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 shall defend any municipal officer, elected official or employee from any claim made by an individual, partnership, or corporation wherein the claim alleges that the municipal officer, elected official or employee acted intentionally, maliciously, or wantonly, and further, will not indemnify or cause to defend the officials or employees where the claim is directly or indirectly related to the negligent care or use of a vehicle as defined by the **Illinois Compiled Statutes**, and the City shall not indemnify any municipal officer, elected official or employee from any claim made by a municipal officer, elected official or employee.

Notwithstanding any other provision of this Code, the City 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 his personal policy.

1-2-29 BIDDING AND CONTRACT PROCEDURES.

(A) **Competitive Bidding Required.** Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Ten Thousand Dollars (\$10,000.00)**, shall

be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Aldermen then holding office.

(C) **Notice Inviting Bids.** Notice inviting bids shall be published at least once in a newspaper with general circulation within the City. The City shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the City Hall.

(D) **Scope of Notice.** The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and the time and place for opening bids.

(E) **Bid Deposits.** When deemed necessary by the City Council, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the City Council. A successful bidder shall forfeit any bid deposit required by the City Council upon failure on his part to enter into a contract within **ten (10) days** after the award.

(F) **Bid Opening Procedure.**

- (1) **Sealed.** Bids shall be submitted sealed to the City and shall be identified as bids on the envelope.
- (2) **Opening.** Bids shall be opened in public at the time and place stated in the public notice.
- (3) **Tabulation.** A tabulation of all bids received shall be made by the City Council or by a City employee, in which event, a tabulation of the bids shall be furnished to the City Council at its next regular meeting.

(G) **Rejection of Bids.** The City shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) **Bidders in Default to City.** The City shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the City.

(I) **Award of Contract.**

- (1) **Authority in City.** The City Council shall have the authority to award contracts within the purview of this Section.
- (2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the City to accept. In awarding the contract, in addition to price, the City Council shall consider:

- (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (d) The quality of the performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (i) The number and scope of conditions attached to the bid.

(3) **Performance Bonds.** The City Council shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the City.

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Ten Thousand Dollars (\$10,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this Section for the award of formal contracts.

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, accountants, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the City without observing the bidding procedures prescribed by this Section for the award of formal contracts.

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the City Council shall be empowered to

secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

(M) **Cooperative Purchasing.** The City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. **(See 65 ILCS Sec. 5/2-2-12, 8-9-1 and 8-9-2)**

1-2-30 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 the **Illinois Compiled Statutes, Chapter 50, Paragraph 105/3, et seq.**

1-2-31 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) The salaries for elected officials shall be established at least **two (2) months** prior to the general election for such office.

(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.

(See 65 ILCS Sec. 5/3.1-50-5 and 5/3.1-50-10)

EDITOR'S NOTE: The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance.

1-2-32 CLAIMS.

(A) **Presentation.** All claims against the City for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance **shall be presented on or before the first meeting of each month** to the City Clerk. All such claims must be in writing and items shall be specified.

(B) **Exception.** This does not prohibit the City Council from passing on any claims not previously presented to the City Clerk if, in the opinion of the Council, justice to the claimant requires it.

1-2-33 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.** No appointment shall be made during the last month of the municipal year in the year of a mayoral election.

1-2-34 EXPENSES - REIMBURSEMENT. Any municipal officer or employee is entitled to reimbursement for any reasonable actual expenses incurred by him in the performance of his duties. **(See 65 ILCS Sec. 5/3.1-50-15(B))**

1-2-35 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the City Hall.

1-2-36 ILLINOIS MUNICIPAL RETIREMENT FUND.

(A) The City does hereby elect to participate in the **Illinois Municipal Retirement Fund.**

(B) **Special Tax.** The City includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the City's cost of participating in the Retirement Fund and appropriate therefrom funds to pay the cost of participation.

1-2-37 - 1-2-40 RESERVED.

DIVISION V - MAYOR

1-2-41 **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until his successor is elected and has qualified. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-15-10)**

1-2-42 **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. **(See 65 ILCS Sec. 5/3.1-35-35)**

1-2-43 **VACANCY.** If a vacancy occurs in the office of the Mayor and there remains an unexpired portion of the term of at least **twenty-eight (28) months** and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The City Council shall elect one of its members as **"Acting Mayor"** who shall perform the duties and possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified. **(See 65 ILCS Sec. 5/3.1-10-50)**

1-2-44 **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the City and 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. **(See 65 ILCS Sec. 5/3.1-15-10 and 3.1-35-20)**

1-2-45 **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. **(See 65 ILCS Sec. 5/3.1-35-30)**

1-2-46 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. **(See 65 ILCS Secs. 5/3.1-55-5)**

(B) **Filling Vacancies.** The Mayor shall appoint, by and with the advice and consent of the City Council, all officers of the City whose appointment will not otherwise be provided for by law; and whenever a vacancy shall occur in any office, which by law or ordinance the Mayor is empowered and required to fill, the Mayor shall, at the next regular meeting of the City Council, communicate to it the name of the appointee to such office and pending the concurrence of the Council in such appointment, the Mayor may designate some suitable person to discharge the functions of such office. **(See 50 ILCS Sec. 105/2)**

1-2-47 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 the 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. **(See 65 ILCS Sec. 5/3.1-35-10)**

1-2-48 **DESIGNATION OF OFFICERS' DUTIES.** Whenever there is a dispute as to the respective duties or powers of any appointed officer of the City, this dispute shall be settled by the Mayor, after consultation with the City Attorney; and the Mayor shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty.

1-2-49 **FORMAL OCCASIONS.** The Mayor shall act for and on behalf of the City on formal occasions and receptions, but in his absence or inability to attend any such function, the Mayor may select any other City officer to so act.

1-2-50 **GENERAL DUTIES.** The Mayor shall perform all the duties which are prescribed by law, and shall take care that the laws and ordinances are faithfully executed.

The Mayor from time to time, may and annually shall give the City Council information relative to the affairs of the City, and may recommend for their consideration such measures as he believes expedient. **(See 65 ILCS Sec. 5/3.1-35-5)**

1-2-51 **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.

1-2-52 **LOCAL LIQUOR CONTROL COMMISSIONER.** The Mayor is hereby designated as the Local Liquor Control Commissioner with all the powers to license and/or revoke any City liquor license, according to State and City laws. **(See 235 ILCS Sec. 5/4-2)**

1-2-53 **HEALTH COMMISSIONER.** The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the City authority as prescribed by law.

1-2-54 DECIDING VOTE - MAYOR. The Mayor shall preside at all meetings of the City Council. He shall not vote on any ordinance, resolution or motion except:

- (A) Where the vote of the Aldermen has resulted in a tie; or
- (B) Where one-half of the Aldermen elected have voted in favor of an ordinance, resolution, or motion, even though there is no tie; or
- (C) Where a vote greater than a majority of the corporate authorities is required by the **Illinois Compiled Statutes** to adopt an ordinance, resolution or motion.

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. **(See 65 ILCS Sec. 5/3.1-45-5)**

1-2-55 - 1-2-56 RESERVED.

(See Generally 1983 Code; Chapter 1)

DIVISION VI - CITY CLERK

1-2-57 **ELECTED.** The 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. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-30-5)**

1-2-58 **VACANCY.** If a vacancy occurs in the office of the City Clerk, it shall be filled by the Mayor or with the advice and consent of the City Council. The person so appointed shall hold office for the unexpired term of the officer elected. **(See 65 ILCS Sec. 5/3.1-10-50(B))**

1-2-59 **PUBLICATION OF ORDINANCES; COUNCIL MINUTES; RECORDS.**

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

(B) **Minutes; Records.** The City Clerk shall attend all meetings of the City Council and shall keep in a suitable book to be styled "**The Journal of the City Council,**" a full and faithful record of its proceedings. The City Clerk shall record and properly index in a book kept for that purpose all ordinances passed by the City Council, and at the foot of the record of each ordinance so recorded, he shall make a memorandum of the date of the passage and, when published, of the publication of such ordinance.

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

1-2-60 **DELIVERY OF PAPERS TO OFFICERS.** The Clerk shall deliver to the several committees of the City Council, and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefor. The Clerk 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. **(See 65 ILCS Sec. 5/3.1-35-90)**

1-2-61 PREPARATION OF DOCUMENTS - COMMISSIONS - LICENSES. The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this Code and shall attest the same with the corporate seal, and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City.

1-2-62 REPORT OF LICENSES. The Clerk shall report to the City Council at its regular meeting(s) each month, and more often if the Council so requires the data contained in his license register with respect to licenses issued during the previous month.

1-2-63 DELIVERY OF LICENSES. In all cases where the City requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to deliver such plates, tags, or stickers to the person paying for the license fee.

1-2-64 SUBMIT APPROPRIATION TO CITY COUNCIL. The City Clerk shall, on or before **May 15th** in each year and before the annual appropriations to be made by the City Council, submit to the City Council a report of his estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. In the report, 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 offices or departments, with any proposed improvements, and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year.

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

1-2-65 ADMINISTRATION OF OATHS. The City Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(See 65 ILCS Sec. 5/3.1-15-20)**

1-2-66 **OUTSTANDING BONDS.** The Clerk shall keep in his office in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; (and in his annual report, the City Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof). **(See 65 ILCS Sec. 5/3.1-35-110)**

1-2-67 **REPORTS.** He shall, on or before the regular meeting in each month, make out and submit to the City Council a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from what sources and on what account moneys were received; and for what purpose and on what account the warrants were drawn or paid.

1-2-68 **SUCCESSOR.** The City Clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to his office and not in actual use and possession of other City officers; and upon the expiration of his official term, he shall deliver all such books, records, papers, and effects to his successor in office.

1-2-69 **PAYROLL.** The City Clerk shall prepare the City payroll for all persons who come under appropriations for salaries.

1-2-70 **AUDIT ACCOUNTS.** The City Clerk shall audit all accounts or claims allowed by the City Council as provided by the ordinances and when such claims are allowed as aforesaid, the Clerk shall draw a warrant in due form upon the City Treasury therefor.

1-2-71 **WARRANTS.** The 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 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. **(See 65 ILCS Sec. 5/8-1-8) (See Section 1-2-84)**

[EDITOR'S NOTE: A warrant list or claims sheet should be presented at the first regular meeting of the month for approval of the City Council.]

1-2-72 **FINANCE COMMITTEE.** The Clerk shall, under the direction of the Finance Committee, 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.

1-2-73 **NOTIFICATION TO PERSONS APPOINTED TO OFFICE.** Within **five (5) days** after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

1-2-74 **OTHER DUTIES.** In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the City Council.

1-2-75 **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 Clerk and affix the seal of the City thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk, followed with the word, **"By"** and the Deputy Clerk's name and the words, **"Deputy Clerk"**.

The powers and duties herein described shall be executed by such Deputy Clerk only in the absence of the City Clerk from the City Clerk's office in the City Hall, and only when either written direction has been given by the City Clerk to such Deputy Clerk to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions. **(1983 Code; Sec. 3.011) (See 65 ILCS Sec. 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)**

(Generally 1983 Code; Chapter 3)

1-2-76 **CITY COLLECTOR ESTABLISHED.**
(A) The office of City Collector is hereby created.
(B) The City Clerk shall hold said office.
(C) The annual compensation shall be set at **Five Thousand Dollars (\$5,000.00)**. **(Ord. No. 02-03-03; 07-09-02)**

1-2-77 - 1-2-79 **RESERVED.**

DIVISION VII - CITY TREASURER

1-2-80 **ELECTION.** 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.

1-2-81 **VACANCY.** 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. **(See 65 ILCS Sec. 5/3.1-30-5)**

1-2-82 **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.

1-2-83 **MONEY; WARRANTS; ACCOUNTS.** The City Treasurer shall receive all moneys 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 shall file copies of such receipts with the Clerk with his monthly reports. **(See 65 ILCS Sec. 5/3.1-35-40)**

1-2-84 **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. **(See 65 ILCS Sec. 5/3.1-35-40 and 5/3.1-35-45)**

[EDITOR'S NOTE: The Treasurer has the responsibility to pay the bills, even though the Clerk actually carries out the function. When a check is issued for a claim under the Treasurer's name, the claim (warrant) is so noted on the claims sheet.]

1-2-85 **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. **(See 65 ILCS Sec. 5/3.1-35-55)**

1-2-86 **BOND.** The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than **one and one-half (1 ½) times** the largest amount which the Council estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the City, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. **(See Section 1-2-26)**

1-2-87 **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.

1-2-88 **BOOKKEEPING.** The Treasurer shall keep the books and accounts in such a manner as to show with accuracy all moneys received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor, the Finance Committee and/or any member of the City Council.

1-2-89 **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. **(See 65 ILCS Sec. 5/3.1-35-45)**

1-2-90 **REPORT DELINQUENT OFFICERS.** It shall be the duty of the Treasurer to report to the City Clerk any officer of the City authorized to receive money for the use of the City who may fail to make a return of the moneys received by the Treasurer at the time required by law or by ordinances of the City.

1-2-91 **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file with the City Clerk annually an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show in such account the following:

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

(B) Except as provided in paragraph (C) of this Section all monies paid out by the City where the total amount paid during the fiscal year exceeds **One Thousand Dollars (\$1,000.00)**, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each such account; and

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

(D) A summary statement of operations for all funds and account groups of the City, as excerpted from the annual financial report as filed with the appropriate state agency of the State of Illinois.

(E) Upon receipt of such account from the City Treasurer, the City Clerk shall publish the account at least once in **one (1)** or more newspapers published in the City. (**See 65 ILCS Sec. 5/3.1-35-65**)

1-2-92 **DEPOSIT OF FUNDS.**

(A) **Designation by Council.** The Treasurer is hereby required to keep all funds and monies in his custody belonging to the City in such places of deposit as have been designated by **Section 1-2-92(D)**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the City in the custody of the Treasurer. When a bank 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. When a new depository is designated, the corporate authorities shall notify the sureties of the Treasury of that fact in writing at least **five (5) days** before the transfer of funds.

(B) **Qualifications of Bank.** No bank shall be qualified to receive City funds or moneys 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 auditor of public accounts or to the Comptroller of Currency. Each bank designated as a depository for such funds or moneys shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the auditor of public accounts or to the Comptroller of Currency.

(C) **Discharge from Responsibility.** The Treasurer shall be discharged from responsibility for all funds or moneys which he deposits in a designated bank while the funds and moneys are so deposited. If City funds or moneys are deposited in a designated bank, however, the amount of such deposits shall not exceed **seventy-five percent (75%)** of the bank's capital stock and surplus, and the Treasurer shall be responsible for funds or moneys deposited in the bank in excess of this limitation.

(D) **Investments.** The City Treasurer is hereby authorized to invest surplus funds or reserve funds of the City in the following types of 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 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.
- (5) The following bank(s) are herewith designated as places of deposit where the City Treasurer is required to keep all funds and moneys in his custody belonging to the Municipality:
 - (a) State Treasurer's Investment Pool
 - (b) Farmers State Bank & Trust Co., Mt. Sterling, IL
 - (c) Brown County State Bank, Mt. Sterling, IL

(See 65 ILCS Sec. 5/3.1-35-50)

(Generally 1983 Code; Chapter 4)

1-2-93 - 1-2-95 RESERVED.

DIVISION VIII - JUDICIARY

1-2-96 **APPOINTMENT OF ATTORNEY.** The Mayor, with the advice and consent of the City Council, is hereby authorized to employ contractually an attorney on behalf of the City. The Attorney shall have full charge of the law affairs of the City and shall be known as the City Attorney and shall receive an annual salary as determined by the appropriation ordinance, compensation for office services and advice, and shall receive reasonable fees for other services rendered when, in his judgment, or in the judgment of the Mayor or City Council, the same are necessary or are for the best interests of the City. **(See 65 ILCS Sec. 5/3.1-30-5)**

1-2-97 **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 therefore.

(D) **Violations of Ordinances.** He shall institute and prosecute an action in every case of violation of a City ordinance when instructed to do so by the Mayor, City Council, or any committee thereof.

(E) **Prosecution of Suits.** He shall not be required to prosecute any suit or action arising under the ordinances of the City when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, 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.

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

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

1-2-98 - 1-2-104 RESERVED.

DIVISION IX – BUILDING INSPECTOR

1-2-105 APPOINTMENT. There is hereby created the position of Building Inspector, who shall be appointed by the Mayor and with the advice and consent of the City Council.

1-2-106 DUTIES. It shall be the duty of the Building Inspector to see to the enforcement of the Building Code, the Electrical Code, the Plumbing Code, the Fire Prevention Code and the Housing Code. In addition he shall enforce the subdivision and zoning codes and to inspect all buildings or structures, whether or not the same are being erected or altered, as frequently as may be necessary to insure compliance with the City codes. **(See Sec. 6-1-4 in Chapter 6)**

1-2-107 EX-OFFICIO PLUMBING INSPECTOR. The Building Inspector shall act as ex-officio plumbing inspector and shall have all the powers and perform all the duties connected with that office.

1-2-108 STOP ORDER. The Building Inspector shall have the power to order all work stopped on construction or alteration or repair of buildings in the City when such work is being done in violation of the Building Code, Electrical Code, Plumbing Code, or other codes relating to buildings and within the Building Inspector enforcement powers as enumerated in those codes. Work shall not be resumed after the issuance of such an order except on the written permission of the Inspector, provided, that if the stop order is an oral one, it shall be followed by a written stop order within **twenty-four (24) hours**. Such written stop order may be served by any City policeman.

1-2-109 **ENTRY POWERS.** The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, at any reasonable hour. **(Generally 1983 Code; Chapter 5; Article II)**

1-2-110 - 1-2-115 **RESERVED.**

DIVISION X – PLUMBING INSPECTOR

1-2-116 **APPOINTMENT.** There is hereby created the position of Plumbing Inspector; the Building Inspector shall act as ex-officio Plumbing Inspector unless otherwise appointed.

1-2-117 **DUTIES.** It shall be the duty of the Plumbing Inspector to see to the enforcement of all provisions of the ordinances relating to plumbing and plumbing equipment; and to make such inspections and perform such tests as may be necessary in the enforcement of such ordinances.

1-2-118 **STOP ORDER.** The Plumbing Inspector shall have the power to order work stopped on the construction, alteration or repair of plumbing equipment when such work is being done in violation of any ordinance. Work shall not be resumed after the issuance of such a stop order except on written permission of the Plumbing Inspector; provided that if the stop order is an oral one it shall be followed by a written stop order within **twenty-four (24) hours.** **(See 1983 Code; Article III)**

1-2-119 **RESERVED.**

DIVISION XI – ELECTRICAL INSPECTOR

1-2-120 **CREATION OF OFFICE.** There is hereby created the position of Electrical Inspector. The Building Inspector shall act as ex-officio Electrical Inspector unless someone is appointed to this position.

1-2-121 **CONFLICT OF INTEREST.** It shall be unlawful for the Electrical Inspector, except in the performance of his duties, to engage in the business of installation, alteration, maintenance or sale of electrical wiring, electric devices or electrical material, either directly or indirectly, and he shall have no financial interest in any concern engaged in any such business in the City.

1-2-122 **POWERS.** The Electrical Inspector shall have the right during reasonable hours to enter any building in the City in the discharge of his official duties, or for the purpose of making an inspection or test of the electrical wiring and electrically operated equipment. He shall have the power to cause the current in any wire or conduit to be turned off whenever this is necessary in an emergency for the protection of life or property.

1-2-123 **INSPECTIONS.** He shall make all inspections necessary to the enforcement of the City ordinances; and no electrical wiring shall be covered until it has been inspected and approved.

1-2-124 **STOP ORDER.** Whenever the Electrical Inspector shall find electrical work being done in violation of the City codes he shall have the power to order the work stopped until the ordinances are complied with. It shall be unlawful to continue any such work after such a stop order has been issued, except upon written permission of the Superintendent of Public Works, or of the Electrical Inspector; provided that where such stop order is made orally it shall be followed by a written stop order within **twenty-four (24) hours.**

1-2-125 **CERTIFICATE.** The Electrical Inspector shall give a certificate of approval to the owner or person in charge of the premises which he has inspected where he finds that the electric apparatus and wiring therein fully comply with the Electric Code. **(See 1983 Code; Chapter 5; Article IV)**

1-2-126 - 1-2-1-127 **RESERVED.**

DIVISION XII - SUPERINTENDENT OF STREETS

1-2-128 **CREATION OF POSITION.** There is hereby created the office of Superintendent of Public Works who shall be appointed by the Mayor with the advice and consent of the City Council. All public streets, alleys, sidewalks and other public ways in the City shall be under the supervision of said Superintendent.

1-2-129 **BOND.** The Superintendent shall be required to give bond, and he shall receive such compensation as may be approved from time to time by Ordinance or by Resolution of the Council.

1-2-130 **DUTIES.** The Superintendent shall have charge and custody of all physical property of the City, other than records, not assigned to some other officer or employee and the care and maintenance of streets. It shall be the duty of the Superintendent to superintend all improvements ordered by the City Council upon the streets, alleys and sidewalks, and make all necessary repairs thereof; but no improvement or repair, except such repairs as may be immediately necessary, shall be made without the order of the City Council; and he shall without delay cause all breaks in any bridge, culvert, sidewalk or street crossing, or other insecure or unsafe place, to be repaired and report the cost thereof to the City Council for allowance, when probable cost of any repair shall exceed **One Thousand Dollars (\$1,000.00)**, he shall not proceed to make such repair without the concurrence of the City Council.

He shall annually as soon as is practical in the spring of the year, under the direction of the Mayor or the Street Committee and from time to time thereafter, cause the streets and alleys where needed to be cleaned and the gutters to be opened, and he shall as far as practical, keep them in that condition during the year. He shall, from time to time, examine into the condition of the streets and alleys, bridges, culverts, sidewalks and crosswalks, and report the same to the City Council and recommend such improvement and repairs as he may deem necessary.

1-2-131 **BUILDINGS.** The Superintendent shall have care and custody of all City owned buildings.

1-2-132 **LABOR.** The Superintendent may, when authorized by the City Council, employ such labor and employees as he may deem necessary or may be deemed necessary by the City Council to perform the duties aforementioned. He shall oversee and direct the workmen in the employ of the City and require them to labor faithfully, and keep a correct account of their time in a suitable manner.

1-2-133 TOOLS. The Superintendent may procure the necessary implements, machinery, and tools for the performance of street work or materials for bridges, culverts, or other work required, but he shall purchase no implements or materials exceeding **One Thousand Dollars (\$1,000.00)** in value without the knowledge and consent of the City Council.

1-2-134 ACCOUNTS. The Superintendent shall keep a correct list or account of all implements, materials, or other property of the City in his charge and for which he shall be held accountable and at the termination of his service, he shall deliver to the City Clerk a full and complete inventory of all such property.

He shall examine all accounts of contractors and others for work pertaining to his department or for implements and materials furnished therefor and if correct, certify the same to the City Council.

He shall upon the first Monday of every month, report to the City Council all expenditures under his supervision for the preceding month, specifying the purpose of the expenditure and if required, the person to whom made.

1-2-135 ENFORCEMENT OF ORDINANCES. The Superintendent shall cause the City Code and all ordinances in relation to streets and alleys and sidewalks to be enforced, and shall procure prompt prosecution for all violations thereof. He shall obey all orders, general or special, that he may receive from the City Council, the Street Committee or the Mayor and for refusal or willful neglect to perform any duties required of him by law or by any Ordinance of the City, shall be subject to removal from office. **(See 1983 Code; Ch. 5; Art. V)**

1-2-136 - 1-2-137 RESERVED.

DIVISION XIII – SUPERINTENDENT OF WATER AND SEWER

1-2-138 CREATION OF POSITION. There is hereby created the office of Superintendent of Water and Sewer who shall be appointed by the Mayor with the consent and advice of the City Council. **(See Ch. 38 for duties) (See 1983 Code; Ch. 5; Art. VI)**

1-2-139 - 1-2-140 RESERVED.

DIVISION XIV - CITY ADMINISTRATOR

1-2-141 **ESTABLISHING THE OFFICE.** This Division hereby creates and establishes the office of the City Administrator for the City.

1-2-142 **APPOINTMENT AND TENURE.** A qualified person shall be hired and appointed to the position of City Administrator as a full-time employee of the City. The City Council shall serve as a committee for the purposes of interviewing and selecting such person. The person selected shall be hired by a majority vote of the City Council. The person so hired shall be given the oath of office and appointed to the position of City Administrator by the Mayor. The person so hired and appointed shall serve for an indefinite term.

1-2-143 **QUALIFICATIONS FOR THE POSITION OF CITY ADMINISTRATOR.** The person hired and appointed for the office of City Administrator shall be at least **twenty-five (25) years** of age, shall become a resident of the City within a reasonable time period following the appointment, and shall be a graduate of an accredited university or college majoring in public or municipal administration.

1-2-144 **BOND AMOUNT REQUIRED FOR THE POSITION OF CITY ADMINISTRATOR.** The person so hired and appointed as the City Administrator, before entering upon the duties of the office of the City Administrator, shall file with the City Clerk a bond in the amount of **One Million Dollars (\$1,000,000.00)**. Such bond shall be approved by the City Council and shall ensure the faithful and honest performance of the duties of the City Administrator. The costs of such bond shall be paid by the City. However, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

1-2-145 **SALARY AND CITY BENEFITS.** The City Administrator shall receive such compensation as may be determined from time to time by the City Council and such compensation shall be paid bi-weekly.

1-2-146 **DUTIES FOR THE POSITION OF CITY ADMINISTRATOR.**
(A) **Administrative Office.** The City Administrator shall be the Chief Administrative Assistant to the Mayor and City Council and such shall be the Administrative Office of the City Government. Except as otherwise specified by

ordinance or by the laws of the State of Illinois, the City Administrator shall coordinate and generally supervise the operations of all departments of the City.

(B) **Purchasing.** The City Administrator shall be the Purchasing Agent for the City, and all purchases shall be made under his/her direction and supervision in accordance with purchasing rules and procedures approved by the City Council and set by ordinance. No expenditures which exceed the budget appropriation shall be made unless the City Council approves a supplemental appropriation.

(C) **Budget.** The City Administrator shall be the Budget Officer of the City and shall assemble estimates of the year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and City Council for their final approval. The City Administrator shall prepare and present to the Mayor and City Council at the regular Council meeting in April a report of the City's affairs, including a summary of reports of department heads and such other reports as the Mayor and City Council shall deem necessary and require. The City Administrator shall also prepare a rough draft of the City budget to be presented at the April meeting, with the final form of the budget to be presented on the **first (1st)** regular Council meeting in May to the Mayor and City Council.

(D) **Personnel System.** The City Administrator shall act as the Personnel Officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and City Council. The City Administrator after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The City Administrator shall have the power to appoint and remove (in accordance with personnel systems regulations approved by the City Council) all subordinate employees of the City. The City Administrator shall make recommendations of appointments and removal of department heads.

(E) **Policy Formation.** The City Administrator shall recommend to the Mayor and City Council adoption of such measures as he/she may deem necessary or expedient for the health, safety or welfare of the City or for the improvement of administrative services for the City.

(F) **Boards and Committees.** The City Administrator shall work with all City boards and committees to help coordinate the work needed in all areas.

(G) **Attendance at City Council Meetings.** The City Administrator is required to attend all regular, special and committee meetings of the City Council.

(H) **Bid Specifications.** The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for the presentation to the City Council.

(I) **State and Federal Aid Programs.** The City Administrator shall coordinate Federal and State programs which may have applications to the City.

(J) **Conference Attendance.** The City Administrator shall attend State and regional conferences and programs applicable to this office and the business of the City, whenever such attendance is directed and approved by the City Council.

(K) **Record Keeping.** The City Administrator shall keep full and accurate records of all actions taken by him/her in the course of his/her duties. All records shall be and remain the property of the City, and be open to inspections by the Mayor and City Council at all times.

(L) **Miscellaneous.** In addition to the foregoing duties the City Administrator shall perform any and all other duties or functions prescribed and set forth by the Mayor and City Council.

1-2-147 POWERS PROVIDED TO THE CITY ADMINISTRATOR.

(A) **City Property.** The City Administrator shall have responsibility for all real and personal property owned by the City. He/she shall have responsibility for all inventories and maintenance of such property. Personal property may be sold by the City Administrator only with the approval of the City Council. Real property may be sold only with the approval of the City Council by resolution or ordinance.

(B) **Set Administrative Policies.** The City Administrator may prescribe such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to his/her authority, and he/she may revoke, suspend or amend any rule or regulations of the administrative service except those prescribed by the City Council and he/she shall follow the administrative procedures and guideline as set forth in the Code, and as it may be from time to time amended.

(C) **Coordinate Departments.** The City Administrator shall coordinate the work of all departments of the City and at times of any emergency shall have the authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of the City Government. He/she may overrule any action taken by the department head and shall conduct the functions of a department temporarily without a director.

(D) **Investigate and Report.** The City Administrator shall have the authority to investigate and to examine or inquire into the affairs or operation of any department of the City under his/her jurisdiction and shall report any condition or fact concerning the City Government requested by the Mayor and/or City Council. When so authorized by the City Council, the City Administrator may employ consultants to aid an examination or inquiry.

(E) At no time shall the duties or powers of the City Administrator supersede the actions of the Mayor and City Council.

1-2-148 INTERFERENCE BY CITY COUNCIL MEMBERS. No member of the City Council shall directly interfere with the conduct of any department or duties of the employees subordinate to the City Administrator except at the express direction of the City Council or with the approval of the City Administrator or Mayor.

1-2-149 **REMOVAL FROM OFFICE.** The City Administrator shall serve at the will of the appointing authority. The Mayor, with the consent of a majority of the City Council, may remove the City Administrator from office at will, and such City Administrator may also be removed by majority vote of the City Council independently of the Mayor's approval or disapproval. If requested, the Mayor and City Council shall grant the City Administrator a public hearing within **thirty (30) days** following notice of such removal. During interim, the Mayor, with the approval of the majority of the City Council, or by majority vote of the City Council without the Mayor's approval, may suspend the City Administrator from duty but shall continue his/her salary for **one (1) calendar month** following the final removal date, provided however, that if the City Administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

(Ord. No. 12-02; 01-17-12)

ARTICLE III - SALARIES

1-3-1 SALARIES OF CITY OFFICIALS. The salaries of the elected City officials shall be as follows:

Mayor	\$ 7,500.00 per year
Alderman	\$ 250.00 per meeting attended
	\$ 35.00 per committee meeting
City Clerk	\$ 22,000.00 annually
City Treasurer	\$ 6,500.00 per year

All Aldermen shall receive the same salary pursuant to this Section after the election on **April 1, 2003**.

(Ord. No. 08-09-03; 09-16-08)

[ED. NOTE: The salaries of elected officials who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least one hundred eighty (180) days before the beginning of the terms of the officers whose compensation is to be filed.

The ordinance fixing compensation for members of the corporate authorities shall specify whether those members are to be compensated (I) at an annual rate or, (ii) for each meeting of the corporate authorities actually attended if public notice of the meeting was given.]

ARTICLE IV - MANAGEMENT ASSOCIATION

1-4-1 PARTICIPATION. The City Council does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the President and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of **one (1) year** beginning the date the Association commences providing risk coverage to its members and each year thereafter unless this ordinance is repealed.

1-4-2 CONTRIBUTION. Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's first year contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the City, and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of the Association.

ARTICLE V – GIFT BAN CODE

1-5-1 ADOPTION OF ACT.

(A) The State Gift Ban Act (**5 ILCS Sec. 425 et seq.**) is hereby adopted as required by Section 83 of the Act (**5 ILCS Sec. 425/83**).

(B) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the City of Mt. Sterling.

1-5-2 ETHICS OFFICER. To the extent authorized by law and to the extent required by Section 35 of the Act (**5 ILCS Sec. 425/35**), the Mayor of the City of Mt. Sterling is authorized to appoint an "ethics officer" of the City. The ethics officer's duties shall be as provided in Section 35.

1-5-3 STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS. All complaints for violation of the Act and this Article shall be filed with the State legislative ethics commission (created by Section 45(a)(6) of the Act).

1-5-4 FUTURE AMENDMENTS TO STATE GIFT BAN ACT. Any amendment to the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) that becomes effective after the passage of this Article shall be incorporated into this Article by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City.

1-5-5 FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT.

(A) If the Illinois Supreme Court declares the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) unconstitutional in its entirety, then this Article shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The 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.

(B) If the Illinois Supreme Court declares part of the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) 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.

(Ord. No. 99-00-02; 06-14-99)