

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 City Code is hereby declared to be and shall hereafter constitute the official City Code. The "**Revised Code of Ordinances of the City of Benton, Illinois**" 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 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 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. **(See 65 ILCS 5/1-3-5)**

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 instructions 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 the 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 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 FRANKLIN) ss. CITY CLERK'S OFFICE
CITY OF BENTON)

I, Brook Craig, City Clerk of the City of Benton, Illinois, do hereby certify that the following Revised Code of Ordinances of the City of Benton, Illinois of 2015, published by authority of the City Council were duly passed by the City Council of the City of Benton, 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 Benton, Illinois, this 23rd day of May, 2016.

BROOK CRAIG
CITY CLERK
CITY OF BENTON

(SEAL)

1-1-13 - 1-1-14 RESERVED.

DIVISION III - DEFINITIONS

1-1-15 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.

1-1-16 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 Benton, Illinois.

"CODE" OR "THIS CODE", shall mean the "Revised Code of Ordinances of the City of Benton, Illinois".

"COUNCIL" unless otherwise indicated shall mean the Mayor and Commissioners of this City. (See 65 ILCS 5/4-3-3)

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

"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 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 5/1-1-2[5])

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

"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. **(See 65 ILCS 5/1-1-2)**

1-1-17 **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.

1-1-18 - 1-1-19 **RESERVED.**

DIVISION IV - GENERAL PENALTY

1-1-20 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**. This penalty shall not apply wherein a chapter has a specific applicable penalty.

(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 **One Thousand Dollars (\$1,000.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois**.

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

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

(E) All municipal ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated.

(F) A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as but not limited to the picking up of litter in parks or along public highways or the maintenance of public facilities. **(See 65 ILCS 5/1-2-1 and 5/1-2-7)**

1-1-21 APPEALS. Any person aggrieved by any order issued under the Benton Revised Code of Ordinances in any matter related to the interpretation or enforcement of any provision of this Code except rulings made by the Planning Commission, may appeal as follows:

(A) **Filing; Record Transmittal.** Every appeal shall be made within **five (5) business days** of the issuance of the order complained of by filing in writing with the Municipal Clerk a written notice specifying the grounds for appeal.

(B) **Transmittal to Department.** The Municipal Clerk shall, as soon as practicable, transmit the written appeal to the Commissioner from whose Department the order was issued, who shall decide the merit of the appeal or determine that further information is needed, and shall communicate his/her decision in writing to the appellant.

(C) **Stay of Further Proceedings.** An appeal stays further action on the matter being appealed unless the Commissioner determines that for matters of public safety a delay is not appropriate. In which case, the Commissioner shall give written notice to the appellant that the appeal will not involve a stay of further proceedings.

(D) **Hearing.** When the matters appealed from involve the Planning Commission or when the Commissioner of the Department shall otherwise determine it is appropriate, the Planning Commission and/or the Commissioner, as applicable, shall hear the appeal as soon as practicable. Any interested party may appear at such a hearing and testify, either in person or by duly authorized attorney. Any decision shall be rendered within a reasonable time after the hearing, if one occurs pursuant to this paragraph.

(Ord. No. 02-06; 04-08-02)

1-1-22 SERVICE BY CERTIFIED MAIL. In all actions for violation of any municipal ordinance where the fine would not be in excess of **Five Hundred Dollars (\$500.00)** and no jail term could be imposed, service of summons may be made by the municipal clerk or Code Official by certified mail, return receipt requested, whether service is to be within or without the State. **(See 65 ILCS 5/1-2-9.1)**

1-1-23 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.

1-1-24 LIABILITY OF OFFICERS. The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

1-1-25 LICENSE. When a person is convicted of a violation of any Section of this Code, any license previously issued to him by the City may be revoked by the court or by the City Council.

ARTICLE II - COMMISSIONERS

DIVISION I - GENERALLY

1-2-1 COMPOSITION AND GENERAL POWERS. The City Council shall consist of the Mayor and **four (4) Commissioners**, elected at large, in conformity with this Code and State Law governing elections in cities and shall have such powers as are granted by the **Illinois Compiled Statutes**. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(See 65 ILCS 5/4-3-4)**

(A) **Reports.** Every Commissioner, officer, assistant and employee shall, from time to time, as required by law or ordinance or when requested by the Council or whenever he shall deem necessary for the good of the public service, report to the Council in writing respecting the business or work of his department, subordinate department, bureau or office, or matters connected therewith.

(B) **Department Heads Agents of Council.** All Commissioners or superintendents of departments and officers are the agents of the Council only, and all their acts shall be subject to review and to approval or revocation by the Council. **(See 65 ILCS 5/4-3-1 et seq.)**

1-2-2 VACANCIES – APPOINTMENT. A vacancy occurs in the office of City Commissioner by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office or removal from office, or removal of residence from the City.

If a vacancy occurs in any of these offices, the remaining members of the Council, within **thirty (30) days** thereafter, shall appoint a person to fill the vacancy for the balance of the unexpired term or until the vacancy is filled by interim election pursuant to **Section 5/3.1-10-50** of the **Illinois Compiled Statutes**, and until the successor is elected and has qualified. **(See 65 ILCS 5/4-3-4)**

1-2-3 MEETINGS. The regular stated meetings of the City Council shall be held in the City Hall Building on the **second (2nd)** and **fourth (4th) Mondays** in each month at **6:00 P.M.** When said meeting date falls upon a legal holiday, the meeting shall be held on the next secular day at the same hour. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings and rescheduled meetings shall be given in accordance with the **Open Meetings Act**. **(See 5 ILCS 120-1 et seq.) (Ord. No. 15-22; 09-28-15)**

1-2-4 SPECIAL MEETINGS. Special meetings of the City Council may be called by the Mayor or any **two (2) Commissioners** by giving **at least forty-eight (48) hours notice** thereof, by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Commissioners; 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 5/4-5-12 and 5 ILCS 120/2.02 and 120/2.03)**

1-2-5 QUORUM. At all meetings of the City Council, **three (3) members** of the City Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting by a written citation to be signed by the Mayor and **two (2) Commissioners** issuing the same, and may be served by any official authorized to serve process within the City by reading the same to such absentees. **(See 65 ILCS 5/4-5-12)**

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

1-2-7 - 1-2-9 **RESERVED.**

DIVISION II – CITY ADMINISTRATION AND OFFICIALS

1-2-10 **CITY DEPARTMENTS.** The executive and administrative powers, authority and duties in the City are distributed into and among the following departments, and the powers and duties to be performed are determined and assigned to the appropriate departments and officer(s), as hereinafter set forth:

- (A) Department of Public Affairs.
- (B) Department of Accounts and Finances.
- (C) Department of Public Health and Safety.
- (D) Department of Streets and Public Improvements.
- (E) Department of Public Property.

The City Council shall enter upon its official duties on the **first (1st) Monday in May** after each regular election. The Council shall immediately hold an organizational meeting at which time the Mayor, with the advice and consent of the City Council, shall appoint a member of the City Council to each of the departments listed hereinabove, provided however, that the Mayor shall be the Commissioner of Public Affairs.

The City Council, by ordinance, shall (1) determine the powers of and duties to be performed by each department and shall assign them to the appropriate departments; (2) shall prescribe the powers and duties of officers and employees and may assign officers and employees to one or more of the departments; (3) may require an officer or employee to perform duties in two or more departments; and (4) may make such rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the Municipality.

The City Council has the right and power to appoint and discharge the heads of all principal departments subordinate to the departments set forth hereinabove, and shall appoint the City Clerk, City Attorney, Treasurer, Zoning Administrator, Police Chief and Fire Chief by majority vote, upon receiving a recommendation from the Commissioner who supervises the officer to be appointed.

Except as otherwise provided in this Code, any officer or employee who has been appointed by the Council may only be removed by a majority vote of the City Council.

(Ord. No. 00-21; 08-28-00) (See 65 ILCS 5/4-5-2)

1-2-11 **COMMISSIONERS ARE SUPERINTENDENTS OF DEPARTMENTS.** The Commissioner of each department shall be the superintendent of that department and is vested with the right and power to appoint and discharge the heads of the department, except as provided hereinabove in **Section 1-2-10**, as well as the employees thereof subordinate to the department of which he is the Commissioner; provided however, that the action of appointment and discharge shall be subject to the approval by a majority vote of the City Council. **(Ord. No. 00-21; 08-28-00) (See 65 ILCS 5/4-5-3)**

1-2-12 **DEPARTMENT REGULATIONS.** The Commissioner of each department shall make and enforce such rules and regulations not inconsistent with the law or the ordinance, or rules and regulations adopted by the Council, as may be necessary to secure efficient conduct of the service of his department or the business in charge thereof.

1-2-13 DEPARTMENT OF PUBLIC AFFAIRS.

(A) **Mayor's Powers.** The Mayor shall have and exercise all the powers and perform all the duties provided or prescribed by the ordinances of the City not in conflict with the provisions of this Code, and shall have and exercise all the powers and perform all the duties provided or prescribed by law.

(B) **Mayor as Superintendent.** The Mayor shall be Commissioner of Public Affairs and shall be Superintendent of the Department of Public Affairs and as such, shall have general supervision and shall oversee all departments and officers of the City.

(C) **Chief Executive Officer.** The Mayor shall be chief executive officer and representative of the City. He shall sign all contracts on behalf of the City and shall require and cause to be prepared and published all statements and reports required by law or ordinance or resolution of the Council.

(D) **Liquor Commissioner.** The Mayor is hereby designated as Liquor Commissioner. **(See Chapter 21 of this Code.)**

(E) **Additional Duties.** The Mayor shall perform such other and further duties pertaining to his office as are or may be required of him by the laws of the State of Illinois or this Code. **(Ord. No. 00-21; 08-28-00)**

1-2-14 DEPARTMENT OF ACCOUNTS AND FINANCES.

(A) **Commissioner's Duties.** The Commissioner of Accounts and Finances shall be Superintendent of the Department of Accounts and Finances, and shall have charge of and supervision over all accounts and records of the City and in all matters relating to the accounts and finances of the City, in addition to the accounts and records of the City Clerk, City Treasurer, Water Revenue Collector, Sewer Revenue Collector and Billing Clerk, their offices or departments, plus all officers, boards or departments required to keep or make accounts, records, and reports.

(B) **Inspections and Reports.** The Commissioner shall inspect or cause to be inspected, all records or accounts required to be kept in any of the offices or departments of the City and shall, at least once each month, report the result of each inspection to the Council with such recommendations as he shall see fit to make.

(C) **Annual Audit.** He shall supervise all officers and employees of the City with respect to the proper accounting of funds; the supervising and preparation of the annual audit and its publication as required by law; make certain that all officers and employees are under bond at all times as required by this Code; and that the City has adequate insurance coverage through the proper acquisition of insurance.

(D) **Claims.** The Commissioner shall examine or cause to be examined and report to the Council upon all bids, accounts and claims before they are acted upon, unless otherwise provided by law or ordinance.

(E) **Departments and Officers.** The City Clerk, City Treasurer, and Water Revenue Collector, Sewer Revenue Collector and Billing Clerk, and all their respective offices and departments and all officers, assistants and employees therein, and all bookkeepers and accountants, are assigned to the Department of Accounts and Finances and shall be under the supervision and direction of the Commissioner thereof.

(F) **Utility Reports; Collection of Fees.** The Commissioner of Accounts and Finances shall procure from all persons and corporations operating public service utilities in the City such reports as they are, by law or ordinance or otherwise required to make to the City or any of its officers, and procure copies of such reports as are made to the State or any public office or department. He shall collect all license fees, inspection fees, franchise taxes, rentals or other monies which may be due or become due the City.

He shall report to the Council any failure to make reports or to pay monies due the City with such recommendations in relation thereto as he may deem proper.

He shall, whenever the City has authority to do so, cause to be examined, the accounts and records of any person or corporation operating a public service utility in the City and shall report to the Council any refusal to permit such examination, with such recommendations in relation thereto as he may deem proper.

(G) **City Clerk – Treasurer.** In addition to the above provisions, the City Clerk/Treasurer shall have the responsibilities and duties as outlined in this Chapter.

(H) **Mayor Pro-Tem.** The Commissioner of Accounts and Finances shall be vice-president of the Council, and in case of a vacancy in the office of Mayor or the absence or inability of the Mayor, shall perform the duties of the Mayor. **(See 65 ILCS 5/4-5-1)**

1-2-15 DEPARTMENT OF PUBLIC HEALTH AND SAFETY.

(A) **Department and Officers.** The Police Department, the Superintendent and Chief of Police, and all officers and employees in the Police Department; License Collector and all police stations, property and apparatus used in the Police Department; the Police and Fire Alarm System and all property and apparatus belonging thereto; and the Fire Department and Chief of the Fire Department and all firemen, officers and employees therein, all fire stations, property and apparatus used in the Fire Department; and all property used in such respective offices or departments are assigned to the Department of Public Health and Safety. **(Ord. No. 1173; 05-11-87)**

(B) **Commissioner’s Duties.** The Commissioner of Public Health and Safety shall be the Superintendent of the Department of Public Health and Safety, and shall have charge of and supervision and direction over all officers and employees assigned to the department.

1-2-16 DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS.

(A) **Streets and Buildings.** The Commissioner of Streets and Public Improvements shall be Superintendent of the Department of Streets and Public Improvements, and shall take charge of all public work, the cleaning, mowing and sprinkling of streets and public places, the erection and reconstruction of all street improvements, sidewalks, bridges, viaducts and public buildings and other improvements, and of the repair thereof when such public buildings, other improvements and repairs thereof are not otherwise assigned.

He shall have control, management direction, and supervision of the lighting of streets and alleys, of public grounds and buildings and of all lamps, lights, lighting materials and persons charged with the care thereof.

(B) **Formal Maintenance Program.** The Street Commissioner or his designated representative shall be responsible for making monthly inspections of streets and sidewalks for maintenance purposes. These inspections shall categorize the above into **three (3) areas**, to-wit:

- (1) **Critical.** The City will endeavor to repair or replace these items immediately, working in conjunction with property owners, public programs, service clubs and existing laws.
- (2) **Watch.** Items will be designated on a watch basis; and the City will attempt to repair or replace these items by the same means as above before they reach the critical stage.
- (3) **Acceptable.** Items designated as acceptable should be subject to routine maintenance procedures to keep those items in acceptable condition.
- (4) **Reports.** Written reports of the monthly inspections shall be filed and kept under the jurisdiction of the Street Commissioner.

(Paragraph B; Ord. No. 1152; 01-27-86)

(C) **Departments and Officers.** The City Engineer, Sidewalk Inspector, Superintendent of Streets and Superintendent of Storm Sewers, their respective offices or departments, and all officers, assistants and employees therein, and all property and apparatus of the respective officers, offices, or departments are assigned to the Department of Streets and Public Improvements and shall be under the supervision and direction of the Superintendent thereof.

1-2-17 DEPARTMENT OF PUBLIC PROPERTY.

(A) **Commissioner’s Duties.** The Commissioner of Public Property shall be Superintendent of the Department of Public Property and shall have charge, control and supervision of

and shall manage the Waterworks System of the City with all the lands, rights-of-way, pumping works, wells, galleries, machinery, reservoir, reservoir parks, water mains, distributing pipes, hydrants, meters, water rents, liens, apparatus, property and effective of every kind appertaining to the Waterworks.

He shall have charge, control and supervision of and shall manage the City's Sewer System and all appurtenances. However, the Billing Clerk and the Water and Sewer Revenue Collector shall be under the jurisdiction of the Commissioner of Accounts and Finances.

(B) **Garbage System.** He shall have charge of and supervision over the garbage collection, disposal service and the landfill disposal.

(C) **Building Construction and Supervision.** He shall have supervision over the construction and repairs of all buildings assigned to the department and may, on his application, receive assistance therein from other officers and departments.

He shall have control, management, direction and supervision of the City Hall, the custodians, and watchmen thereof. He shall have charge of the furniture and fixtures in the City Hall not otherwise assigned to or used by some other department.

(D) **Public Service Utilities.** He shall have control and supervision over all public service utilities and all persons or corporations rendering service in the City under any franchise, license, contract or grant made or granted by the City or State, and shall report to the Council or other proper officer any failure of the person or corporation to render services or to observe the requirements or conditions of the franchise, contract, license or grant under which such public service utility is operated.

(E) **Lake Benton City Park.** He shall have charge of and supervision over the operation, maintenance and activities of the Lake Benton City Park Area.

(F) **City Hall; Cemetery; Playgrounds.** The Commissioner of Public Property shall be custodian of the City Hall, the City Cemetery, City Playgrounds and shall be in charge of the building inspection as required by the Fire Code of the State of Illinois.

(G) **Health Agencies.** He shall have charge of and supervision over all of the affairs pertaining to the Health Department, including, but not limited to the Building, Electric, Fire and Sanitary Codes of the City.

(H) **Oil Well Inspector.** He shall have charge of and supervision over the Oil Well Inspector and the regulations governing the same.

1-2-18 - 1-2-19 RESERVED.

DIVISION III – RULES OF THE CITY COUNCIL

1-2-20 **RULES OF THE COUNCIL.** The following rules of order and procedure shall govern the deliberations and meetings of the City Council. **(See 65 ILCS 5/3.1-40-15)**

(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 members and correction of the journal of the proceedings of previous meetings.
- (4) Visitors and Public Comment.*
- (5) Reports and communications from the Mayor and other appointed City Officers.
- (6) Reports of Commissioners.
- (7) Presentation of communications, petitions, resolutions, orders, and ordinances by the members.
- (8) Unfinished business.
- (9) Miscellaneous business.

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

***See Section 1-2-21.**

(B) **Duties of Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, 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.** After the public comment period, 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 pursuant to **Section 1-2-21.**

(E) **Presentation of New Business.** When a member wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the Clerk who shall read such matter when reached in its proper order.

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

The City Council, by motion, may limit debate. The Presiding Officer shall have the right to participate in debate.

While a member is speaking, no member shall hold any private discussion, nor pass between the speaker and the Chair.

(G) **Call of Members 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 member 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 members 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 members, by a majority vote of the members 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 member 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 a member 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 simply 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 members 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 City Council 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 a member 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) **Adoption of Robert's "Rules of Order Revised".** The rules of parliamentary practice comprised in the latest published edition of **Robert's "Rules of Order Revised"** shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Council.

(W) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of **two-thirds (2/3)** of the corporate authorities entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of **two-thirds (2/3)** of all the corporate authorities entitled by law to be elected.

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

1-2-21 ADDRESS BY NON-MEMBERS.

(A) **Public Comment Request.** Any person not a member of the Council may address the Council with regard to items of proposed business under the following rules:

- (1) He or she shall rise (if not physically impaired) and state his or her name and unless further time is granted by the Council to limit remarks to **five (5) minutes**. All remarks shall be addressed to the Council, not to any member thereof.

- (2) No person other than the Council member recognizing the individual addressing the Council and the person having the floor shall be permitted to enter into any discussion directly or through a member of the Council without the permission of the Mayor. No questions shall be asked of a Commissioner except through the Mayor. Any person making personal or impertinent remarks or who shall become disruptive addressing the Council shall be forthwith evicted from the Council room by the Mayor.

(B) **Auxiliary Aid or Service.** The City shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with orders.

- (1) The City shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the City.
- (2) Auxiliary aids and services shall be provided in a timely manner.
- (3) Individuals shall notify the City Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required. **(See Addendum "B", Request for Public Comment or Auxiliary Aid(s) and/or Services)**

(C) The Chief of Police or his authorized designee shall be the Sergeant at Arms at the Council meetings. He or she shall carry out all orders and instructions of the Mayor for the purposes of maintaining order and decorum. The Sergeant at Arms shall remove any person violating order and decorum of the meeting. Such removal may be accompanied by further prosecution for any violation of any ordinance under this Code. **[5 ILCS 120/2.06]**

1-2-22 RESERVED.

DIVISION IV - ORDINANCES

1-2-23 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) **Passage by Yeas and Nays - Record.** The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the City or for the expenditure or appropriation of its money, and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of **three (3)** of the members elected to the City Council shall be necessary for the passage of any such ordinance or proposition. **(See 65 ILCS 5/4-5-12)**

(C) **Inspection.** Every ordinance or resolution appropriating any money, or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise, right, or license to occupy or use the streets, alleys, highways, bridges, viaducts, public property, or public places in the municipality for any purpose, shall remain on file with the municipal clerk for public inspection, in the form in which it is finally passed, at least **one (1) week** before the final passage thereof. **(See 65 ILCS 5/4-5-13)**

(D) **Passage and Signature.** All ordinances passed by the City Council shall, before they take effect, be deposited in the office of the City Clerk, and the Mayor shall sign the same. **(See 65 ILCS 5/4-5-12)**

1-2-24 - 1-2-25 RESERVED.

DIVISION V - GENERAL PROVISIONS

1-2-26 **CORPORATE SEAL.**

(A) The Seal provided by the Council, being circular in form shall consist of the words "**Corporate Seal**" in the interior circle, and the words, "**City of Benton, Franklin County, Illinois**" around the outer edge of the seal. Such seal shall be and hereby is established and declared to be the seal of the City. **(See 65 ILCS 5/2-2-12)**

(B) The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the City and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the City Clerk who shall be the legal custodian. **(See 65 ILCS 5/3.1-35-90)**

1-2-27 **ELECTIONS.**

(A) **Election Procedure.** The provisions of the **Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/4-3-1** 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. **(See 65 ILCS 5/3.1-10-15)**

1-2-28 **MUNICIPAL OFFICERS - REGULATIONS.**

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

(B) **Qualifications; Appointive Office.**

(1) No person shall be eligible for any appointive municipal office unless that person is a resident of the Benton Grade School District #47 within **twelve (12) months** of the commencement of their employment, or as otherwise provided by law.

(2) The residency requirements do not apply to Municipal Attorneys, Engineers, Health Officers, or other officers who require technical training or knowledge. **(See 65 ILCS 5/3.1-10-6)**

(Ord. No. 12-10; 04-09-12)

(C) **Bond.** Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position. **(See 65 ILCS 5/3.1-10-30)**

(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-20** 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 5/3.1-10-35)**

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

(F) **Fees; Report of Fees.** No officer of the municipality shall be entitled to charge or receive any fees as against the City. All officers of the City entitled to receive fees shall keep a correct account thereof, and make a report thereof under oath to the Council prior to the regular meeting of each

month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the City Treasury.

(G) **Other Rules and Regulations.** Every officer of the City shall perform such other duties and be subject to such other rules and regulations as the City Council may provide by law. **(See 65 ILCS 5/3.1-10-40)**

(H) **Conservators of Peace.**

(1) The Mayor and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:

- (a) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,
- (b) to commit arrested persons for examination,
- (c) if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and
- (d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.

(2) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. **(See 65 ILCS 5/3.1-15-25)**

(I) **Oath.** Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed shall take and subscribe to the following oath:

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

The Mayor and the Clerk shall have the power to administer this oath or affirmation upon all lawful occasions.

(See 65 ILCS 5/4-1-1)

(See "Administration of Oaths")

1-2-29 RESIGNATION OF APPOINTED OFFICIALS. Any officer of the City may resign from office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a City officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. **(See 65 ILCS 5/3.1-10-50)**

1-2-30 QUALIFICATIONS; ELECTIVE OFFICE.

(A) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one (1) year next preceding the election. **(65 ILCS 3.1-10-5(A))**

(B) No person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony, until completion of his or her sentence. **(65 ILCS 3.1-10-5 and 3.1-10-5(B))**

(C) A person is not eligible for the office of Alderman of a ward unless that person has resided in the ward that the person seeks to represent, and a person is not eligible for the office of trustee of a district unless that person has resided in the municipality, at least **one (1) year** next

preceding the election or appointment, except as provided in **65 ILCS 5/3.1-20-25 and 5/5-2-2. (See 730 ILCS 5/5-5-5(b))**

(D) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person’s spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (A). **(People v. Hofer, 363 Ill. App 3d 719 (5th District))**

1-2-31 BONDS OF CITY OFFICERS.

(A) **Amount.** Bonds of City officers required under **Illinois Compiled Statutes, Chapter 65, Section 5/4-4-2** shall be executed in the following penal sums:

| | | |
|------|---|-------------|
| (1) | Mayor | \$3,000.00 |
| (2) | City Commissioners | \$3,000.00 |
| (3) | City Treasurer | \$50,000.00 |
| (4) | Waterworks & Sewer Revenue Collector | \$50,000.00 |
| (5) | City Clerk | \$5,000.00 |
| (6) | Water and Sewer Superintendent | \$50,000.00 |
| (7) | Clerk to City Clerk | \$3,000.00 |
| (8) | Clerk Typist | \$3,000.00 |
| (9) | Water/Sewer Clerk | \$50,000.00 |
| (10) | Zoning Administrator and Code Enforcement Officer | \$3,000.00 |
| (11) | Police and Fire Merit Board (Each) | \$1,000.00 |

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

(C) **Surety.** The Council shall not receive or approve any bond or security whereon the name of the Council, any one of the Commissioners or any elected or appointed officer of the City appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the 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. **(See 65 ILCS 5/4-4-2)**

1-2-32 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.

1-2-33 LIABILITY INSURANCE.

(A) **Purchase Of.** The City Council shall have the power to purchase liability insurance covering and insuring all municipal officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover and protect any liability which the municipal corporation, officer, employee or elected official may incur. When the insurance has been purchased, the City shall be responsible for all premiums and deductible charges called for 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 the claim is founded on any act or omission of the municipal officers, elected officials or employees while in the performance of their official duties, except the City shall not indemnify, but shall defend any municipal officer, elected official or employee from any claim made by an individual, partnership or corporation wherein the claim alleges that the municipal officer, elected official or employee acted intentionally, maliciously or wantonly and further, shall not indemnify or cause to defend the officials or employees where the claim is directly or indirectly related to the negligent care or use of a vehicle as defined by the **Illinois Compiled Statutes**, and the City shall not indemnify any municipal officer, elected official or employee from any claim made by a municipal officer, elected official or employee.

Notwithstanding any other provisions of this Code, the City shall not indemnify or cause to defend any municipal officers, elected officials or employees if the municipal officers, elected officials or employees have liability insurance insuring the municipal officers, elected officials or employees from the alleged claim; however, the City shall indemnify the municipal officer, elected official or employee the personal deductible limits of his personal policy. **(See 745 ILCS 10/2-201 et seq.)**

1-2-34 BIDDING AND CONTRACT PROCEDURES.

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

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Twenty Thousand Dollars (\$20,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **four (4)** of the **five (5) Commissioners** then holding office. **(Ord. No. 10-29; 11-08-10)**

(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 **Twenty Thousand Dollars (\$20,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this Section for the award of formal contracts.
- (K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the City without observing the bidding procedures prescribed by this Section for the award of formal contracts.
- (L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies materials or services, the City Council shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.
- (M) **Cooperative Purchasing.** The City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. **(See 65 ILCS 5/4-5-11, 8-9-1 and 8-9-2)**

1-2-35 SALARIES REGULATION.

- (A) **Elected.** No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.
- (B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased. **(See 65 ILCS 5/4-6-1 and 5/4-6-2)**

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 at least **one hundred eighty (180) days** prior to the general municipal election in which voting is held for those offices.

1-2-36 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, **must be presented on or before the last day 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.

1-2-37 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.** (See 65 ILCS 5/1-1-2) (For definition of fiscal year see Section 1-1-16)

1-2-38 EXPENSES - REIMBURSEMENT. Each member of the corporate authorities may receive reimbursement from the municipality for expenses incurred by the member in attending committee meetings of the corporate authorities or for other expenses incurred by the member in the course of performing official duties. (See 65 ILCS 5/3.1-50-15(B))

1-2-39 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the City Hall.

1-2-40 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

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

(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid quarterly.

1-2-41 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 Budget 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.

1-2-42 SMOKING PROHIBITED. It shall be unlawful to smoke in any portion or area of the City Hall except in a private office occupied by **one (1) person** only and with the door closed. (Ord. No. 1270; 07-16-90)

1-2-43 - 1-2-46 RESERVED.

DIVISION VI - CITY CLERK

1-2-47 **APPOINTMENT OF CLERK.** At the first regular meeting after the general election of the City Council, the City Clerk shall be appointed by a majority vote, for a **four (4) year term**, and shall serve until his successor is appointed and has qualified. The City Clerk shall be under the supervision of the Commissioner of Accounts and Finances. **(See 65 ILCS 5/3.1-15-5 and 5/3.1-30-5) (Ord. No. 00-21; 08-28-00)**

1-2-48 **COUNCIL 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. 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. **(See 65 ILCS 5/1-2-5 and 5/3.1-35-90)**

1-2-49 **DELIVERY OF PAPERS TO OFFICERS.** The Clerk shall deliver to the members of the City Council and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefor. He shall also, without delay, deliver to the Mayor all ordinances or resolutions, orders and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. **(See 65 ILCS 5/3.1-35-90)**

1-2-50 **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.

1-2-51 **LICENSE PLATES.** 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 from the Clerk, plates, tags or stickers, it shall be the duty of the Clerk to deliver such plates, tags, or stickers to the person paying the license fee.

1-2-52 **ADMINISTRATION OF OATHS.** The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(See 65 ILCS 5/3.1-15-20)**

1-2-53 **REPORTS.** On or before the first meeting in each month, the City Clerk shall make out and submit to the 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.

1-2-54 **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.

1-2-55 **DEPUTY CLERK.** There is hereby created the office of Deputy Clerk. The Clerk of the Water Department shall be the Deputy Clerk and shall have the power and duty to execute all documents required by any law or ordinance to be executed by the Clerk and shall affix the seal of the City thereto whenever required.

When signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word "**By**" and the Deputy Clerk's own name and the words, "**Deputy Clerk**".

The powers and duties herein described shall be exercised by such Deputy Clerk only in the absence of the City Clerk from the 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 function.

Such Deputy Clerk shall have the authority and power herein described and such further power and authority as may be provided by statute. (**See 65 ILCS 5/3.1-30-10; 5/3.1-10-45 and 5/3.1-35-95**) (**Ord. No. 1123; 07-15-83**)

1-2-56 **PAYMENTS.** The City Clerk shall prepare weekly, an itemized list of all moneys received and shall deliver a copy of the same to the City Treasurer and shall also pay over to the Treasurer all moneys received by him and take a receipt therefor. (**Ord. No. 1161; 10-02-86**)

1-2-57 **WARRANT REGISTER.** The Clerk shall keep an accurate register of warrants drawn upon the Treasury, specifying the date, to whom payable, the amount, and the particular fund or appropriation to which the same is chargeable. (**See 65 ILCS 5/8-1-8**)

1-2-58 **FINANCES.** Under the direction of the Department of Accounts and Finances, the Clerk shall open and keep a complete set of books, in which, among other things, shall be set forth the appropriations of the fiscal year for which each distinct object and branch of expenditures and also, the receipts from each and every source of revenue so far as he can ascertain the same.

1-2-59 **ANNUAL BUDGET.** The City does hereby adopt the provisions in **Chapter 65** of the **Illinois Compiled Statutes** specifically **Sections 5/8-2-9.1** through **5/8-2-9.9**. The annual budget shall be prepared pursuant to those sections each fiscal year under the direction of the Budget Officer or City Clerk. (**Ord. No. 1204; 06-13-88**)

1-2-60 **NOTIFICATION TO PERSONS APPOINTED.** The Clerk, within **five (5) days** after the result of an election is decided or an appointment is made, 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.

1-2-61 **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, resolution or ordinance of the City Council.

1-2-62 **DELINQUENT SPECIAL ASSESSMENTS.**
(A) **Uncollectible Assessments.** It is determined that there are certain installments of special assessments levied on real property within the limits of the City which are presumed by law to be uncollectible, being those installments which have been delinquent for a period of **thirty (30) years**.

(B) **City Collector Appointed.** The City Treasurer has heretofore been appointed the City Collector.

(C) **Duties of City Collector.** The City Collector shall enter the word "**Uncollectible**" upon the records of his office where such delinquent special assessments appear and he shall adjust the books and records of his office therefor. **(Ord. No. 962; 08-23-76)**

1-2-63 UNCLAIMED REBATE FUND.

(A) **Established.** There is hereby created pursuant to **Illinois Compiled Statutes, Chapter 65, Section 5/9-1-5, and Unclaimed Rebate Fund.** Deposits for all funds which the City has held for more than **four (4) years** after the final installment of any local improvement by special assessment or special taxation and transferred pursuant to the Notice and Recommendation provisions of **Chapter 65, Article IX, Divisions 2 and 3 of the Illinois Compiled Statutes.**

(B) **Transfer of Funds.** There is hereby transferred to the **Unclaimed Rebate Fund** the amounts on deposit with the City Clerk and City Treasurer as payments on the Special Assessments for Paving Districts 1 through 14, Sidewalk Districts 1, 2, 3, and Sewer District 1, pursuant to the attached recommendation of the Board of Local Improvement and Certificate of Publication of Notice as required by **Chapter 65, Section 5/9-1-6.** All claims against said funds not filed before this date are hereby barred.

(C) **Appropriated Moneys.** There is hereby appropriated and payment approved from the **Unclaimed Rebate Fund** all claims filed prior to this date on the Special Assessments listed in paragraph (B) hereof and contained in the attached list. The balance of any funds from said Special Assessments, after payment, are hereby transferred to the Capital Improvement Fund. **(Ord. No. 1128; 10-07-83)**

1-2-64 - 1-2-67 RESERVED.

DIVISION VII - CITY TREASURER

1-2-68 **FINANCE DEPARTMENT.** The Department of Accounts and Finances 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.

1-2-69 **APPOINTMENT OF TREASURER.** At the first regular meeting after the general election of the City Council, the City Treasurer shall be appointed by a majority vote, for a **four (4) year term**, and shall serve until his successor is appointed and has qualified. The City Treasurer shall be under the supervision of the Commissioner of Accounts and Finances. (**Ord. No. 00-21; 08-28-00**)

1-2-70 **MONEY; WARRANTS; ACCOUNTS.** The City Treasurer shall receive all moneys belonging to this City and shall pay all warrants signed by the Mayor or by the Commissioner of Accounts and Finances, and countersigned by the City Clerk and not otherwise and shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. He shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment and upon what account paid, and he shall file copies of such receipts with the Clerk with his monthly reports. (**See 65 ILCS 5/3.1-35-40**)

1-2-71 **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 5/8-1-8 and 5/8-1-9**)

1-2-72 **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 5/3.1-35-55**)

1-2-73 **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 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 65 ILCS 5/3.1-10-45**)

1-2-74 **SPECIAL ASSESSMENTS.** The Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto. (**See 65 ILCS 5/3.1-35-85**)

1-2-75 **BOOKKEEPING; PAYROLL.** The Treasurer shall keep his books and accounts in such a manner as to show with accuracy, all monies received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of the office shall be, at all times, open to examination by the Mayor or the Department of Accounts and Finances of the Council.

The Treasurer shall prepare the City payroll for all persons who come under appropriations for salaries. **(See 65 ILCS 5/3.1-35-40)**

1-2-76 **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 5/3.1-35-45)**

1-2-77 **ANNUAL ACCOUNTS; PREPARATION AND FILING; CONTENTS; PUBLICATION.** Within **six (6) months** after the end of each fiscal year, the Clerk shall annually prepare and file with the City Council 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 Municipality, indicating the total amounts in the aggregate received in each account of the Municipality with a general statement concerning the source of such receipts; provided, for the purpose of this subsection, the term **"account"** shall not be construed to mean each individual taxpayer, householder, licensee, utility user or such other persons whose payments to the Municipality are credited to a general account; and

(B) Except as provided in paragraph (C) of this Section, all monies paid out by the Municipality where the total amount paid during the fiscal year exceeds **Two Thousand Five Hundred Dollars (\$2,500.00)**, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate, paid to each person from each such account; and

(C) All monies paid out by the Municipality 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 Municipality, as excerpted from the annual financial report as filed with the appropriate State agency of the State of Illinois.

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

[NOTE: The Treasurer shall file a copy of the report with the County Treasurer as provided in Sec. 5/3.1-35-70 of Chapter 65 of the Illinois Compiled Statutes.]

1-2-78 **DEPOSIT OF FUNDS.**

(A) **Designation by Council.** The Treasurer, and/or Clerk are hereby required to keep all funds and moneys in their custody belonging to the City in such places of deposit as have been designated by this Section. When requested by the Treasurer/Clerk, 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 City Officials. 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 Treasurer of that fact in writing at least **five (5) days** before the transfer of funds.

(B) **Discharge from Responsibility.** The Treasurer and the aforementioned officials shall be discharged from responsibility for all funds or moneys which they deposit in a designated bank while the funds and money 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 or savings and loan association's capital stock and surplus, and the Treasurer shall be responsible for funds or moneys deposited in the bank(s) in excess of this limitation.

(C) **Accounts with Financial Institutions.** In cases of urgency between scheduled City Council meetings, at the discretion of the Finance Officer, accounts may be opened, administered, and/or closed with the signatures of the Finance Officer and the City Treasurer.

(D) **Investments.** The 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 Accounts.
- (4) Short term discount obligations of the Federal National Mortgage Association.
- (5) The following banks and/or Savings and Loan Associations are hereby designated as places of deposit where the Treasurer is required to keep all funds and moneys in his/her custody belonging to this Municipality:
 - (a) Bank of America, Benton, IL
 - (b) The Illinois Funds
 - (c) US Bank, Benton, IL
 - (d) Mid Country Bank, Benton, IL
 - (e) State Bank of Whittington, Benton, IL
 - (f) Peoples National Bank, Benton, IL
 - (g) First Financial Bank, Benton, IL

(Ord. No. 2013-21; 06-10-13 and 2013-31; 07-22-13)

1-2-79 **OUTSTANDING BONDS.** The Clerk shall keep in his office in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued or purchased or paid or canceled; the book or books shall show the 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 5/3.1-35-110)**

1-2-80 **RESERVED.**

DIVISION VIII – CITY ATTORNEY

1-2-81 **SERVICES OF ATTORNEY.** At the first regular meeting after the general election of the City Council, the City Attorney shall be appointed by a majority vote of the City Council for a **four (4) year** term, and shall serve until his successor is appointed and has qualified. The City Attorney shall be known as the City Attorney or Corporation Council, and shall receive reasonable fees as allowed by **Section 1-3-2** for services rendered, when in the judgment of the Commissioner for whose department the services are rendered, the same are necessary or for the best interests of the City. The City Attorney may, in the absence of said Commissioner, take any necessary legal action when in his/her judgment the same is necessary for best interests of the City. The City Attorney shall be supervised by the respective Commissioners for services performed with respect to each Commissioner's department. **(Ord. No. 00-21; 08-28-00)**

1-2-82 **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 or her with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

1-2-83 **PREPARATION OF ORDINANCES.** He shall, when required, advise the 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 Council, or any committee thereof.

1-2-84 **JUDGMENTS.** He shall direct executions to be issued upon all judgments recovered in favor of the City, and he shall direct their prompt service. He shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the City therefore.

1-2-85 **DEPARTMENT ADVISOR.** He shall act as the legal advisor for the Water and Sewer Departments, for the Plan Commission, for the Zoning Board of Appeals and he shall perform the legal services required of the Departments and/or Boards and Commissioners.

1-2-86 **VIOLATIONS OF ORDINANCES.** He shall institute and prosecute an action in every case of violation of a City ordinance when instructed to do so by the Mayor or the City Council.

1-2-87 **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.

(65 ILCS 5/3.1-30-5)

1-2-88 - 1-2-89 **RESERVED.**

DIVISION IX – CITY ENGINEER

1-2-90 **OFFICE CREATED.** There is hereby created the office of City Engineer, who may be appointed annually on the **first (1st) day of May** or as soon thereafter as may be, by a majority vote of the City Council. He shall hold his office for a term of **one (1) year** and until a successor is appointed and has qualified. Provided however, the City may use another firm if they choose to do so for a project.

1-2-91 **OATH.** Before entering upon the duties of his office, he shall take the oath prescribed by law for all City officers.

1-2-92 **MAPS, PLATS AND RECORDS.** The City Engineer shall keep accurate maps, plats and records of all public works, lands or property owned by the City.

1-2-93 **DUTIES.** He shall advise the Council on all engineering matters referred to him, and shall perform such duties as are provided by law or ordinance, and in addition thereto, such other duties as from time to time may be imposed upon him by the Council.

He shall, from time to time as required by the Council, make reports regarding public improvements, repairs of streets, bridges and sidewalks, or such other work as the Council may request, and shall make such suggestions to the City Council, regarding the same, as shall, in his judgment, seem best and proper.

1-2-94 - 1-2-95 **RESERVED.**

(See 65 ILCS 5/3.1-30-5)

DIVISION X – DIRECTOR OF PUBLIC WORKS

1-2-96 **POSITION CREATED.** There is hereby created the position of "Director of Public Works," which position shall be filled by the affirmative vote of a majority of the voting council members and Mayor.

1-2-97 **DUTIES.** It shall be the duties of the Director of Public Works to supervise and direct the workforce employees in the departments of water, waste water treatment plant, streets, and janitor, and to perform such other duties as may be delegated to him by the respective Commissioners of Public Property and Public Works and of Streets.

1-2-98 **ACCOUNTABLE TO COMMISSIONERS.** The Director of Public Works shall be accountable to the Commissioners of the departments in which he serves, as referenced above and pursuant to the statutory duties and responsibilities of each respective Commissioner.

1-2-99 **APPROVAL OF SALARY.** The position of Director of Public Works shall be compensated as determined by the majority vote of the City Council.

1-2-100 **RESERVED.**

(Ord. No. 00-02; 02-28-00)

**DIVISION XI – ZONING AND CODE ENFORCEMENT OFFICER/
ECONOMIC DEVELOPMENT ADMINISTRATOR**

1-2-101 **OFFICE ESTABLISHED AND APPOINTMENT.** There is hereby created the position of Zoning Administrator/Code Enforcement Officer and Economic Development Administrator, an executive office of the City, under the charge and supervision of the Commissioner of Public Affairs.

1-2-102 **DUTIES.** It shall be the duty of the Code Enforcement Officer to see to the enforcement of all Code provisions relating to buildings or zoning and to inspect all buildings and structures being erected or altered, as frequently as may be necessary to insure compliance with the ordinances of the City. He shall see to the enforcement of all laws in this Code and as prescribed in the Department of Public Property.

1-2-103 **STOP ORDER.** The Code Enforcement Officer shall have the power to order all work stopped on construction or alteration or repair of buildings or structures in the City when such work is being done in violation of any provision of any Code relating thereto, or in violation of any Zoning Code. Work shall not be resumed after the issuance of such an order, except on the written permission of the Code Enforcement Officer, provided that if the stop order is an oral one, it shall be followed by a written stop order within **twenty-four (24) hours**.

1-2-104 **ENTRY POWERS.** The Code Enforcement Officer 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 is going on, for the purpose of making inspection, at any reasonable hour.

1-2-105 **SCOPE.** The intent and responsibility under the Economic Development Administrator portion is to allow the Administrator to make contacts with prospective business entities in an effort to encourage local firms to expand and national or global firms to locate in Benton.

The Administrator shall become familiar with marketing tools such as brochures and the Internet.

The Economic Development duties are secondary to the duties of Zoning and Code Enforcement. However, anytime the Administrator has spare time, the time will be spent in Economic Development.

At all times, the Mayor will be kept informed of the status of Economic Development and the Administrator, City Attorney and Mayor will work together in unison.

(See Chapter 40 – Zoning)

1-2-106 - 1-2-107 **RESERVED.**

DIVISION XII – BILLING CLERK

1-2-108 **OFFICE ESTABLISHED.** There is hereby created the office of Billing Clerk, an executive office in the City Water and Sewer Department. The Billing Clerk and all assistants or clerks in the office shall be appointed by the Commissioner of Accounts and Finances with the advice and consent of the City Council and shall serve until a successor is appointed and has qualified. The Billing Clerk and assistants or clerks shall be under the supervision of the Commissioner of Accounts and Finances.

1-2-109 **DUTIES.** It shall be the duty of the Billing Clerk to send to each utility customer a statement specifying the fees and charges due the City for the services rendered.

It shall be the duty of the Billing Clerk to collect and receive all money due to the City Water System. The Billing Clerk shall make the necessary records pertaining to such collections as required by this Code.

It shall be the duty of the Billing Clerk to collect and receive all money due to the City Sewer System. The Billing Clerk shall make the necessary records pertaining to such collections as required by this Code.

1-2-110 **REPORTS.** The Billing Clerk shall keep such books and accounts as may be required by the City Council and shall keep them in the manner required by law.

The Billing Clerk shall make such reports regarding delinquent water and sewer accounts as required by this Code and shall make a monthly report to the City Council showing what money has been received and the source thereof. The Billing Clerk shall also make an annual report during the last month of the fiscal year, showing all activities of this office.

1-2-111 **CLERK-SECRETARY.** In the absence of the Billing Clerk, the Clerk-Secretary shall be permitted to do the duties of the Billing Clerk.

(See 65 ILCS 5/3.1-30-5)

ARTICLE III - SALARIES

1-3-1 **ESTABLISHED.** Beginning the first Monday of May, 2015, the Mayor and the City Commissioners shall be paid as compensation for their services, a salary payable monthly as the Commissioners shall determine, in the sum hereinafter set forth for each designated office:

(A) **Department of Public Affairs.** **Mayor: Nine Thousand Six Hundred Dollars (\$9,600.00)** per year and as Liquor Commissioner, **Two Thousand One Hundred Dollars (\$2,100.00)** per year.

(B) **Department of Accounts and Finance.** **Commissioner: Six Thousand Dollars (\$6,000.00)** per year.

(C) **Department of Public Health and Safety.** **Commissioner: Six Thousand Dollars (\$6,000.00)** per year.

(D) **Department of Streets and Public Improvements.** **Commissioner: Six Thousand Dollars (\$6,000.00)** per year.

(E) **Department of Public Property.** **Commissioner: Six Thousand Dollars (\$6,000.00)** per year.

(Ord. No. 14-09; 10-13-14) (See 65 ILCS 5/4-6-1)

1-3-2 **SALARIES – OTHER OFFICERS.** Those officers set forth in **Division VII** through **Division XI**, inclusive, shall be paid as compensation for their services an annual salary payable monthly, semi-monthly or as the Council shall determine in the sum hereinafter set forth opposite the designated office.

(A) **City Attorney.** The City Attorney shall be paid the sum of **One Hundred Twenty Dollars (\$120.00)** per hour for his services, together with reasonable costs and expenses incurred. **(Ord. No. 07-24; 06-11-07)**

(B) **City Engineer.** (Independent contracts for services performed for the City as established by separate contractual service agreements.)

(C) **Water Revenue Collector.** (Included in Treasurer)

(D) **Sewer Revenue Collector.** (Included in Treasurer)

ARTICLE IV – ADMINISTRATIVE SICK LEAVE

1-4-1 POLICY ESTABLISHED. Administrative personnel employed by the City of Benton, Illinois, on **May 1, 2006** shall be granted **thirty-six (36) days** of time pursuant to this policy effective **May 1, 2006**. Employees shall accrue **one (1) additional day** per month worked, with a month work being considered as any calendar month in which the employee works at least **three (3) weeks** during that calendar month.

1-4-2 PURPOSE. This time off is not simply an extension of additional sick days. The purpose of extended sick leave is different than the purpose of sick days. Therefore, it is to be administered differently. The employee is not entitled to take paid days off under this policy unless it is approved by Council action and based upon a physician's written opinion of sufficient detail to justify the City's action.

1-4-3 EMPLOYEE QUALIFICATION. Qualification for time under this policy must be at the conclusion of the exhaustion of all other paid time off to which the employee is entitled.

1-4-4 ADVANCE APPROVAL. The time off under this policy must be consecutive days (or partial days as discussed hereafter) and must be approved in advance by the Council. In other words, this is not time that can be taken as additional sick days to fill in when the employee needs additional days off. This is time to be taken because the employee is currently suffering from a medical condition that impairs their ability to perform wholly or in part, as set forth further hereinbelow.

1-4-5 MEDICAL DOCUMENTATION. The employee must provide a doctor's written opinion stating the nature of the employee's condition and the nature of its impairment. If the employee seeks to work half time, then the doctor's written opinion must be sufficient to support a reasonable decision by the Council that the employee be permitted to take this time in half-day increments and still be able to perform adequately their job-related duties during the one-half day that they would be working. Even the taking of one-half day increments must be based on consecutive days off pursuant to this policy. It is anticipated that an employee could initially require full days off and then qualify for half days off as their condition may change, but that change in time off would likewise be required to be supported by a doctor's written opinion as stated more fully above, explaining that the employee would be able to perform on a one-half time basis.

1-4-6 HALF TIME APPROVAL. The half time hours, if any, that the employee will work shall be governed by vote of Council. Although administrative personnel may otherwise be under the direction of a single Commissioner, it is recognized that all administrative personnel to whom this policy will apply may have overlapping responsibilities with other departments and that their absence will necessarily affect directly and indirectly the performance of all departments within the City of Benton.

1-4-7 INCREMENT LIMITATIONS. This leave may not be taken in increments smaller than one-half day increments.

1-4-8 RETURN TO WORK. The employee may not return to full paid work without a doctor's written opinion indicating that their condition has improved to the point that they are able to perform their work related functions on a full time basis. There is no right to return to work after exhaustion of this administrative leave on a half-time basis.

1-4-9 **MEDICATION.** If an employee working half time will be under the influence of any medication, then the physician must identify the medication that the employee will be taking and its potential effect on the employee's ability to perform work related functions.

1-4-10 **ACCRUAL.** If an employee utilizes time pursuant to this policy but not all of the time to which they are entitled, then at the conclusion of the time utilized, the balance may be carried forward and added to the employee's additional time that they may accrue when returning to work.

1-4-11 **TERMINATION.** If for any reason an employee's employment with the City of Benton terminates, there is no right to payment for days accumulated under this policy. This is not sick time and is not governed by the same policies of sick time. This is "use it or lose it" time such that the cessation of employment ceases entitlement to either the time or its dollar value.

(Ord. No. 06-38; 07-24-06)

ARTICLE V – MEETING PROCEDURES

DIVISION I – RECORDING CLOSED MEETINGS

1-5-1 RECORDING CLOSED SESSIONS. The City shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the City or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

1-5-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS. The City Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the City Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the City Council. Each subsidiary public body of the City shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the City Clerk with a copy of such recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the City and all subsidiary public bodies of the City.

1-5-3 CLOSED SESSION MINUTES. In addition to the recordings of the closed and executive session as addressed in this Division, the City will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

1-5-4 PROCEDURE FOR RECORDING. At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

1-5-5 BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION. The City shall maintain sufficient tapes, batteries and equipment for the City to comply with this Division. The City Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

1-5-6 PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS. At one meeting at least every **six (6) months**, the agenda shall include the item: “Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released.” Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the City find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the “need for confidentiality still exists” as to those minutes. Minutes of closed sessions shall be kept indefinitely.

1-5-7 MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES. The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the corporate authorities may listen to the closed session recordings in the presence of the City Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the City Council.

1-5-8 PROCEDURE FOR DESTRUCTION OF RECORDINGS. The City Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

- (A) The corporate authorities of the City have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
- (B) More than **eighteen (18) months** have elapsed since the date of the closed session;
- (C) There is no court order requiring the preservation of such recording; and
- (D) The corporate authorities of the City have not passed a motion requiring the preservation of the verbatim recording of that meeting.

1-5-9 - 1-5-10 RESERVED.

DIVISION II – REMOTE MEETING PARTICIPATION

1-5-11 STATUTORY AUTHORITY FOR PARTICIPATION. Pursuant to Public Act 94-1058 which amends the Open Meetings Act in **5 ILCS 120/7**, this municipality does hereby establish a policy that permits members of the corporate body to attend meetings by means other than physical presence.

1-5-12 DEFINITION OF MEETING. The term “meeting” shall mean “any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business” or such other definition as shall be contained within the state statutes.

1-5-13 AMENDMENT OF PREVIOUS TERMS. The definition of “meeting” set forth in **Section 1-5-12** shall supersede and replace any other definition used in any previous or existing ordinance.

1-5-14 REMOTE PARTICIPATION POLICY. The City hereby adopts the Remote Participation Policy, as outlined in Addendum “A”, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.

ADDENDUM "A"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY

(A) **Policy Statement.** It is the policy of the City that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Prerequisites.** A member of the Covered Group of the City shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets that following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

- (1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;
- (2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the City; or (3) the member cannot attend because of a family or other emergency; and
- (3) a quorum of the Covered Body must be physically present.

(C) **Voting Procedure.** After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

(E) **Minutes.** The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting of the members and is allowed to participate. The meeting minutes of the City shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

ADDENDUM "B"

REQUEST FOR AUXILIARY AID(S) AND/OR SERVICE(S)

Please keep in mind that pursuant to Section 1-2-21 that establishes rules governing the address of the Council, all remarks must be kept to a maximum of five minutes, shall be addressed to the Council, and shall not be disruptive to the business of the Council. The Mayor is empowered to remove individuals from any meeting should they fail to adhere to the rules regarding address of the Council.

NAME OF APPLICANT: _____

NAME OF COMPANION: _____

ADDRESS: _____

TELEPHONE: _____ CELL NO.: _____

DATE OF NEEDED AUXILIARY AID OR SERVICE: _____

SPECIFY AUXILIARY AID(S) AND/OR SERVICES REQUIRED: _____

DATE: _____ SIGNED: _____

Sincerely,

APPLICANT

Printed Name

Address

Telephone Number