

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 “**Municipal Code of the City of Sullivan, Illinois**” shall be known and cited as the “**Municipal 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 Municipal Code by title in any legal document. (See **65 ILCS Sec. 5/1-2-3**)

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

1-1-3 **AMENDMENTS.** Any ordinance amending this Municipal 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 Municipal Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this Municipal Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Municipal Code. (See **65 ILCS Sec. 5/1-2-3**)

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 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 Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this 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 upon termination of office or separation of duties.

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 Code or by virtue of the preceding section, excepting as this 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 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 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 substantially in the following form:

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MOULTRIE) ss. **CITY CLERK'S OFFICE**
CITY OF SULLIVAN)

I, Floyd Buckalew, City Clerk of the **City of Sullivan, Illinois**, do hereby certify that the following **Municipal Code of Ordinances of the City of Sullivan, Illinois of 2001**, published by authority of the City Council were duly passed by the City Council of the **City of Sullivan, Illinois**, signed 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 Sullivan, Illinois**, this _____ day of _____, 2001.

FLOYD BUCKALEW
CITY CLERK
CITY OF SULLIVAN

(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 RULES OF CONSTRUCTION AND DEFINITIONS. In the construction of this Code, and of all Ordinances, the rules and definitions set out in this Section shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter of the context of such section may be repugnant thereto.

(A) **Generally.** All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

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

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

"COMPUTATION OF TIME". Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be held shall not be counted. Where the day on which an act is to be done or a proceeding held falls on a Sunday or a legal holiday, said act shall be done or proceeding held on the next regular business day. Time shall mean Central Standard Time, except when the State of Illinois is on Daylight Savings Time and then it shall mean Central Daylight Savings Time.

"CORPORATE LIMITS". The term "corporate limits" shall mean the legal boundaries of the **City of Sullivan**.

"COUNCIL – CITY COUNCIL" shall be construed to mean the City Council of the **City of Sullivan**.

"COUNTY". The words "the county" or "this county" shall mean the **County of Moultrie** in the State of Illinois.

"DELEGATION OF AUTHORITY". Whenever a provision appears requiring the head of a department or some other City officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

"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 Sec. 5/1-1-2[5])**

"GENDER". A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

"JOINT AUTHORITY". All words giving a joint authority to **three (3)** or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

"KNOWINGLY" imports only a knowledge that the facts exist which bring the act or mission 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.

"MONTH". The word "month" shall mean a calendar month.

“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.

“NON-TECHNICAL AND TECHNICAL WORDS”. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

“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.

“NUMBER”. A word importing the singular number only may extend and be applied to several persons and things as well as to **one (1) person** and thing.

“OATH”. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed”.

“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 of Sullivan”** 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.

“OFFICERS GENERALLY”. Whenever any officer is referred to by title, such as “City Clerk”, “Chief of Police”, “Mayor”, etc., such reference shall be construed as if followed by the words **“of the City of Sullivan”**.

“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”. The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, 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 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.

“PRECEDING, FOLLOWING”. The words “preceding” and “following” mean next before and next after, respectively.

“PROPERTY”. The word “property” shall include real and personal property.

“REAL PROPERTY” shall include lands, tenements and hereditaments.

“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.

“SHALL”. The word “shall” is mandatory.

“SIDEWALK”. The word “sidewalk” shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

“SIGNATURE OR SUBSCRIPTION” includes a mark when the person cannot write.

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

"STREET". The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the City and shall include all areas thereof embraced between the property lines and dedicated to the public use.

"TENANT OR OCCUPANT". The word "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

"TENSE". Words used in the past or present tense include the future as well as the past and present.

"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 Sec. 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 - 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**.

(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 **Seven Hundred Fifty Dollars (\$750.00)** 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 Sec. 5/1-2-1)**

1-1-21 CERTIFIED COPY OF CODE ADMISSIBLE INTO EVIDENCE. Any copy of the Municipal Code or any copy of any addition, amendment or supplement thereto adopted, published and certified according to law, shall be received in evidence in all courts and administrative tribunals for the purpose of proving the Ordinances therein contained with like effect and for the same purpose as the original ordinances would be received.

1-1-22 PROCEDURE FOR COLLECTION OF FINES, FORFEITURES, PENALTIES AND COSTS. All fines, forfeitures, penalties and costs imposed against any person by this Code or by any of the ordinances of the City for the breach thereof, not payable under the provisions of any other ordinance of the City, may be recovered before the Judge of the Circuit Court of Moultrie County by action in the name of the City, and judgments may be rendered thereon and collected by execution or other process, and such fines, forfeitures and penalties, when collected, shall be paid over to the Treasurer for the use of the City, on demand of the Treasurer. In all actions for the violation of this Code or any ordinance, the first process shall be a summons, supported by a proper and legal affidavit signed by the complainant, where an arrest on view is not made or a warrant is not issued.

1-1-23 PROCEDURE FOR AFFIDAVIT, COMPLAINT ARREST AND HEARING FOR VIOLATORS. Whenever any person shall make complaint in writing, verified by affidavit, to a judge of the Circuit Court of Moultrie County, and shall therein state that this Code or any ordinance of the City has been violated, and that the complainant has reasonable grounds for believing that the person charged in such complaint with such violation is guilty thereof, such Judge may issue in the first instance, a warrant for the arrest of the person so charged; and any person so charged and arrested upon such warrant, shall without unnecessary delay, except as hereinbefore provided, be taken before the Court issuing such warrant, to be tried for the alleged violation. In all cases, continuances may be granted, bail taken, or commitments made as are provided for in the case of arrests as hereinbefore provided.

(A) All officers making arrests shall appear at the trial before the Court and shall procure all necessary evidence in their power and furnish a list of all witnesses, either to the Court or to the City Attorney.

(B) In all cases where any person or persons shall be convicted of a breach of the ordinances of said City and adjudged to pay a fine, forfeiture or penalty by the verdict of a jury, or if a defendant or defendants in any such action waive a jury trial and is or are adjudged to pay a fine, forfeiture or penalty by a Judge of the Circuit Court of Moultrie County, said Judge may order as a part of the judgment that the defendant or defendants stand committed to the County Jail, there to remain until such fine, forfeiture, penalty and costs shall be fully paid or otherwise legally discharged, provided that no such fine shall exceed **Seven Hundred Fifty Dollars (\$750.00)** and no such imprisonment shall continue for a longer period than **six (6) months** for any **one (1) offense**.

(C) Commitment of any person as provided in this Code, shall be by process under the hand of any Judge of the Circuit Court of Moultrie County which shall have made the order for such commitment.

(D) In every case where the trial for a breach of this Code or of any of the ordinances shall be by jury, the amount of the fine, forfeiture, penalty or punishment, the limits of which are provided for by this Code or by any ordinance, shall be assessed or fixed by the jury, if they shall find the defendant guilty; and any Judge of the Circuit Court of Moultrie County before whom the same shall be tried by jury, shall record the verdict on his docket and render judgment in accordance therewith for the amount of the fine, forfeiture, punishment or penalty so assessed or fixed by the jury, and the costs of suit. If the jury shall return a verdict of "not guilty", such Judge shall record the same and order that the defendant, if held in custody, be discharged.

(E) "Changes in Venue" and "Appeals from Judgments" in all cases arising under this Code or any ordinance shall be allowed before any Judge of the Circuit Court of Moultrie County, the same to be taken and granted in the same manner and with like effect as in other actions of debt before such Court, under the laws of this State. The same proceeding and practice shall be observed before such Court to whom changes of venue are taken, and the same powers may be exercised by them as are provided for in this Code.

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

DIVISION V – CAFETERIA COURT

1-1-26 CAFETERIA COURT FOR MINOR VIOLATIONS. Any person accused of a violation of any of the designated articles and sections of the Municipal Code may settle and compromise the claim against him or her for such violation by paying to the City at the City Building, 2 W. Harrison Street, Sullivan, Illinois, the minimum fine designated therein within **seven (7) days** of the time the ticket was issued by a police officer for such alleged offense. A receipt shall be issued for all money so received, and such money shall be thereafter promptly turned over to the City Treasurer to be used in the manner provided for the disposition of fines for such violations. The members of the Police Department are hereby authorized to issue ordinance violation tickets notifying the offender of such violation, and are hereby authorized to refrain from instituting a prosecution for the alleged offense involved. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear and pay such penalty to the Municipality within the designated period of time such fines may be paid. Unless a lesser minimum fine is established for any violation of the articles and sections of the Municipal Code governed by these provisions, a fine of **One Hundred Dollars (\$100.00)** shall be assessed for a first offense if paid under the terms and conditions of this Section. A fine of **Two Hundred Fifty Dollars (\$250.00)** shall be assessed for a second offense. A fine of **Five Hundred Dollars (\$500.00)** shall be assessed for a third offense. A fourth subsequent offense committed within **one (1) year** of the initial offense shall not be permitted to be disposed of under the terms and conditions of this Division. **(Ord. No. 06-24; 09-25-06)**

1-1-27 TICKET FORM. The Police Department shall establish the format of the ticket for Cafeteria Court.

1-1-28 APPLICABILITY. The provisions of this Division shall apply to all chapters, articles and divisions of this Municipal Code as noted in those laws.

1-1-29 PENALTIES; ADDITIONAL COSTS. Whenever in this Code, or any ordinance of the City, any act is prohibited or made or declared to be unlawful or a misdemeanor or a violation of such Code, or whenever in such Code the doing of any act is required or the failure to do any act is declared unlawful or a misdemeanor or a violation of such Code, in addition to the specific penalty provided therefor, all court costs, which shall include all costs incurred by the City in prosecuting any said cause, and shall also include the fees of the prosecuting attorney of the City, shall be recoverable from anyone convicted of a violation under this Code. This Section shall be applicable to all ordinance violations.

DIVISION VI - UTILITIES – CUSTOMER REGULATIONS

1-1-30 CONTRACT FOR UTILITY SERVICES.

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with utility services from the City and every person, company or corporation, hereinafter called a “customer” who accepts and uses City utility services shall be held to have consented to be bound thereby. These regulations are applicable to water, sewer, gas and electric utilities.

(B) **Not Liable for Interrupted Service.** The Departments shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefore.

(C) **Using Services Without Paying.** Any person using utility services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in **Section 1-1-20** of the Revised Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the utility systems, or erecting signs on the property of the Departments without permissions shall, upon conviction of such act, be fined as provided in **Section 1-1-20** of the Revised Code.

(E) **Service Obtained by Fraud.** All contracts for utilities services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person’s or firm’s name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation, and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should a Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Utility Systems during a month unless the customer notifies the City prior to the first day of the new billing month in which the services are to be discontinued.

(H) **Billing; Utility Shut-off Process.**

- (1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid within **twenty (20) days** of the billing date a penalty equal to **five percent (5%)** of the total account balance due shall be added thereto. This penalty shall be in addition to the charges heretofore established for the

utility services, and said penalty will start on the **twenty-first (21st) day** from the date of said bill. **Appendix "U"** entitled **Billing and Disconnection Policy** is hereby included as part of these regulations.

- (2) Any customer who fails to pay the utility bill within **twenty-one (21) days** of presentation shall have a notice mailed to their billing address which states the total amount due and date of disconnection if not paid in full.
- (3) Customers receiving said notice may come to the City Utility Office to sign a Payment Arrangement, showing the date payment will be made in full. Payment Arrangements will only be permitted to customers who have a positive payment history, or who have upheld past Payments Arrangements. The City reserves the right to deny Payment Arrangements.
- (4) Customers failing to pay their utility bill in full by the date of disconnection, who have also not signed a Payment Arrangement, will be disconnected on said date.
- (5) Once utility services have been disconnected the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Fifty Dollars (\$50.00)** for the reconnection of utilities.
- (6) Reconnection of utilities will only be done by City Departments Monday through Friday between the hours of **8:00 A.M.** and **3:30 P.M.** Payment of disconnected utilities from **3:30 P.M.** to **5:00 P.M.** will result in reconnection on the next working day.
- (7) If a personal check provided for payment of disconnected utilities is returned for any reason, the account will be considered unpaid. The utility service will again be immediately disconnected until a cash payment of past due amounts is paid, plus a **Twenty-Five Dollar (\$25.00)** returned check fee and **Fifty Dollar (\$50.00)** reconnection fee.

1-1-31 **CONSUMER LISTS.** It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

1-1-32 **LANDLORD - TENANT.** The City requires that a form be signed by the Landlord, the Tenant, and a City Representative, giving the Tenant permission to have the utilities put in Tenant's name. Said form shall be provided by the City, a copy of which is attached as **Appendix "EE"**.

1-1-33 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Clerk for said Department to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

1-1-34 **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

1-1-35 **UTILITY DEPOSITS.**

(A) **Property Owner.** A Utility deposit shall be paid to the Treasurer by any applicant before any utilities will be turned on to any premises. The deposit shall be retained by the City until the user discontinues utilities use from the City at which time the deposit will be returned to the user, provided however, that said user shall have a good payment record, making all monthly payments timely. The deposit amounts for the various utility services are as follows:

- (1) Electric, \$75.00
- (2) Gas, \$75.00
- (3) Water and Sewer, \$75.00
- (4) Electric with electric heat, \$150.00

(Ord. No. 13-5; 03-25-13)

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.

(C) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before utility services shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant or owner of the premises shall immediately deposit with the City Clerk an amount sufficient to bring the deposit to the established rate of deposit.

1-1-36 **REGISTRATION OF RENTAL PROPERTY.** All rental property shall be registered with the City with the name of the Landlord to provide an index of rental properties and the owners thereof. Said registration will be in a form provided by the City, a copy of which is attached as **Appendix "FF"**.

1-1-37 **NOTIFICATION OF LANDLORD.** The City will notify the Landlord when Landlord's Tenant's utility bill becomes delinquent.

(Ord. No. 12-9; 05-14-12)

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 to an office, 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 officers shall be nominated and elected to the specific office of Commissioner of Accounts and Finances, Commissioner of Public Health and Safety, Commissioner of Streets and Public Improvements, and Commissioner of Public Property. The electors of the City shall, at each general municipal election, elect **one (1) person** to each such specific office. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(See 65 ILCS Sec. 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 Sec. 5/4-3-1 et seq.) (See Section 1-2-27) (Ord. No. 91-14; 02-22-91)**

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 Sec. 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 **7:00 P.M.** during Central Standard Time and Daylight Savings Time. If a regular stated meeting falls upon a legal holiday, the meeting shall be held at the regularly scheduled time and place unless the City Council at the next prior meeting thereto shall determine to reschedule the meeting until the next secular day. Public notice of regular meetings and rescheduled meetings shall be given in accordance with the **Open Meetings Act**. **(See 5 ILCS Sec. 120/1 et seq.)**

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 Sec. 5/4-5-12 and 5 ILCS Sec. 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 Sec. 5/4-5-12)**

1-2-6 POWER TO BORROW MONEY. The City Council may, whenever the interests of the City require it, borrow money on the credit of the City for corporate purposes, and issue bonds therefore, in such amounts and form, and upon such conditions as it shall prescribe but shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed **seven and one-half (7 ½) per centum** on the value of the taxable property in the City, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debts as it falls due, and also to pay and discharge the principal thereon within **twenty (20) years** after contracting the same.

1-2-7 VERBATIM RECORDING OF CLOSED MEETINGS.
(A) A verbatim record of all closed meetings of the City Council shall be kept in the form of an audio recording. The City Council shall provide the recording device and only one recording device will be allowed. Individuals shall not be allowed to bring their own recording device to closed meetings.

(B) The City Clerk, or his or her designee if he or she is unavailable, will be responsible for operating the recording device for all closed meetings of the City Council. Each committee of City Council shall designate in writing the individual responsible for recording closed meetings and submit such designation to the City Clerk.

(C) The City Clerk shall maintain the audio tapes in a safe and secure location under lock and key. Access to non-released tapes shall be limited to the Mayor and City Clerk unless otherwise directed in writing by the governing body of the City Council. Individuals allowed access shall sign a log indicating the date and time they listened to a particular tape. Individuals allowed access shall listen to a tape only under supervision. No copies of any non-released tape shall be made.

(D) The verbatim record of a closed meeting may be destroyed **eighteen (18) months** after the completion of the meeting if the City Council approves the destruction of the particular recording and if it approves written minutes for the particular closed meeting that contain the following, as required by Section 2.06 of the Open Meetings Act:

- (1) the date, time and place of the meeting;
- (2) the members of the public body recorded as either present or absent; and
- (3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(E) The City Clerk shall, on a periodic basis, but not less frequently than quarterly, inspect the recordings to check their quality and completeness, and report on any problems to the City Council.

(F) Unless the City Council has determined that a recording no longer requires confidential treatment, or otherwise consents to disclosure, the verbatim recordings of closed meetings made pursuant to Paragraph (A) above shall not be either open for public inspection or subject to discovery in any administrative proceedings other than one brought to enforce the provisions of the Open Meetings Act. In a civil action brought to enforce the provisions of the Open Meetings Act, a recording will be made available to the court for in camera examination for the purpose of determining whether a violation of the Open Meetings Act exists. In the case of a criminal proceeding, a recording will be made available to the court for in camera examination for the purpose of determining what portion, if any, must be made available to the parties for use as evidence in the prosecution. **(Ord. No. 04-06; 03-04)**

1-2-8 - 1-2-12 RESERVED.

DIVISION II – COMMISSIONER DUTIES

1-2-13 **DEPARTMENTS.** The Executive and Administrative powers, authority and duties of the City Council, are vested and divided among the following **five (5)** major departments, as follows:

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

1-2-14 **DUTIES.** The City Council, by Ordinance:

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

1-2-15 **MAYOR - DUTIES.** The Mayor shall be the Chief Executive and Administrative Officer of the City and shall be President of the Council and preside at its meetings. He shall supervise all Departments and report the Council for its action on all matters requiring attention in any department.

- (A) He shall enforce the laws of the City and require the faithful performance of all administrative duties, and shall perform all duties which are prescribed by the laws of the State of Illinois or the City Ordinances, and shall take care that the laws and ordinances are faithfully executed.
- (B) The Mayor from time to time may, and annually shall, give the Council information relative to the affairs of the City, and may recommend for the consideration, such measures as he believes expedient. In pursuance of this, the Mayor shall prepare and present to the Council an annual report of the City's affairs, including a summary of reports of Department heads, and such other reports as the Council shall require.
- (C) The Mayor has the power, either by himself or by any officer or person designated for the purpose by him, to investigate and examine, or inquire into the affairs or operation of any Department of the City, and he shall examine the grounds of all reasonable complaints made against any officer of the City, and to cause all violations or neglect of duty of any officer to be promptly punished.
- (D) He shall have power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries.

(E) He shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service by whomever prescribed.

(F) The Mayor shall have the power to set aside any action taken by a department head under his control, and may supersede him in the functions of his office.

(G) The Mayor has the power to direct any department to perform the work for any other department of the City.

(H) He has the power to designate such committees and the members thereof as he shall find necessary for the proper consideration of the problems of the City. Such committee shall meet at the request of the Mayor and shall make such recommendations on matters referred to them as they shall find necessary for the best interests of the City.

(I) The Mayor shall have the power to appoint competent, qualified officers and employees to the administrative service of the City under its jurisdiction, and shall have the power to dismiss, suspend and discipline, in accordance with the Municipal Code and the Laws of the State of Illinois, all officers and employees in the administrative service under his control.

(J) He shall also have the power to authorize a department head or officer responsible to him to appoint and remove subordinates serving under the department head or officer.

(K) He shall designate himself or some other officer or employee to perform the duties of any office or position in the administrative service under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.

(L) The Mayor shall have the power to administer oaths and affirmations upon all lawful occasions.

(M) The Mayor shall also be Commissioner of the Department of Public Affairs and as such shall perform the duties and exercise the powers now and hereafter to be assigned to such Department by City Ordinance or State Statute.

(N) As such, he shall have direct control of the City Police Department, to include the Chief of Police and all employees thereof.

(O) He shall also have direct control of the City Gas Department, its Superintendent and all employees thereof.

(P) He shall appoint the City Clerk, City Attorney and Chief of Police, subject, in each case, to the approval of the City Council, and he shall appoint and discharge all subordinate Policeman, Assistants or employees of any Department under his control, when, in his judgment, the efficient conduct of the City's affairs shall demand it.

(Q) He shall also exercise all the powers and duties of the City Council not herein specifically delegated to other Departments or reserved to the City Council as a whole, either by City Ordinance or by the Statutes of the State of Illinois.

(R) The Mayor shall be endowed with police powers as herein provided by Ordinance. In addition to his other duties, the Mayor shall also hold the office of Liquor Control Commissioner and shall have the powers, functions and duties conferred and imposed on said office by the Liquor Control Code.

(S) The Mayor, subject to the approval of the City Council by a majority vote, shall have the power to appoint a Public Works Director as an employee of the City, and shall have the power to dismiss, suspend, and discipline said employee in accordance with the Municipal Code and the laws of the State of Illinois. Said employee shall have such powers and duties from time to time as prescribed by the Mayor and City Council. **(Ord. No. 15-17; 10-26-15)**

1-2-16 **COMMISSIONER OF THE DEPARTMENT OF ACCOUNTS AND FINANCES.** The Commissioner of the Department of Accounts and Finances shall have general supervision of the finances of the City, and shall recommend the expenditure and economics, appropriations and tax levies subject to the approval of the City Council and shall supervise the audit of all public accounts of the City.

(A) The Commissioner shall have direct control of the office of the City Treasurer.

(B) He shall appoint the City Treasurer, the Park Superintendent and the Director of the Sullivan Civic Center, subject in each case, to the approval of the City Council.

(C) All claims submitted to the City Council against the City shall first be audited and approved by the Commissioner and shall bear his signature or the signatures of not less than **three (3)** other members of the City Council before being considered by the City Council.

(D) He shall appoint and discharge all subordinate employees and assistants of these facilities or offices, when in his judgment the efficient conduct of the City's affairs shall demand it.

(E) The Commissioner shall also supervise all printing contracts and shall select an official newspaper as provided by the Statutes of the State of Illinois.

(F) The Commissioner shall have the authority to purchase or authorize the purchase or to contract for the purchase of any necessary machinery, material of supplies for the efficient conduct of said facilities or offices except where the outlay involved would require competitive bids on special occasions as provided for by this Chapter or by the Statutes of the State of Illinois.

(G) The Commissioner shall be Chairman of the Board of Control of Wyman Park and Taber Park and shall have general supervision of the same, appointing or discharging all employees, making purchases which, in his judgment are necessary for the best interest of Wyman Park, and enforcing all City Ordinances and rules established for the park, subject to the approval of the City Council.

(H) He shall have supervision and control over the Civic Center.

(I) The Commissioner shall be Vice-President of the Council, and in case of vacancy in the office of Mayor, or the absence, or inability of the Mayor, shall perform the duties of Mayor.

(J) He shall have control and supervision of the City Building.

1-2-17 **COMMISSIONER OF THE DEPARTMENT OF PUBLIC HEALTH AND SAFETY.** The Commissioner of the Department of Public Health and Safety shall be the Health Commissioner for the City and shall appoint the City Health Officer, subject to the approval of the City Council.

(A) He shall also represent the City in all matters affecting Public Health, and shall have all the powers and duties resting in a Board of Health for the City.

(B) The Commissioner shall also have supervision of the Water and Sewer Department of the City.

(C) He shall appoint the Superintendent of Potable Water Production and the Superintendent of Water Distribution and Water Reclamation of the City, subject to the approval of the City Council, and shall appoint and discharge all subordinate employees of said Department when, in his judgment, the efficient conduct of the affairs of said Department shall demand it.

(D) The Commissioner shall have the authority to purchase or authorize the purchase or to contract for the purchase of any necessary machinery, material, or supplies for the efficient conduct of said department except where the outlay involved would require competitive bids on special occasions as provided for by this Chapter or by the Statutes of the State of Illinois.

1-2-18 COMMISSIONER OF THE DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS. The Commissioner of the Department of Streets and Public Improvements shall have direct supervision of all matters affecting the streets, alleys, sidewalks and storm sewers of the City.

(A) He shall appoint a Superintendent of the Street Department, subject to the approval of the City Council.

(B) The Commissioner shall have the authority to purchase or authorize the purchase or to contract for the purchase of any necessary machinery, material, or supplies for the efficient conduct of said Department except where the outlay involved would require competitive bids on special occasions as provided for by this Chapter or by the Statutes of the State of Illinois.

(C) The Commissioner shall also employ or discharge any other subordinate employees of the Department when in his judgment the efficient conduct of the affairs of the Department shall demand it.

(D) The Commissioner shall have supervision of all matters referring to storm sewerage.

(E) He shall approve in writing all applications for building permits or applications for permits to move buildings over City streets, except those which may bear the signed approval of not less than **three (3)** other Commissioners of the City, before same may be presented to the City Council for approval.

(F) The Commissioner shall also be ex-officio Commissioner of Public Works in and for the City.

1-2-19 COMMISSIONER OF THE DEPARTMENT OF PUBLIC PROPERTY. The Commissioner of the Department of Public Property shall have general supervision of all matters affecting the City Electric Department and shall appoint a Superintendent for the department, subject to the approval of the City Council.

(A) The Commissioner shall also appoint or discharge any subordinate employee of the Electric Department when, in his judgment the efficient conduct of the affairs of the department shall demand it.

(B) The Commissioner shall have the authority to purchase or authorize the purchase or to contract for the purchase of any necessary machinery, material, or supplies for the efficient conduct of said Department except where the outlay involved would require competitive bids on special occasions as provided for by this Chapter or by the Statutes of the State of Illinois.

1-2-20 - 1-2-21 **RESERVED.**

DIVISION II - RULES OF THE CITY COUNCIL

1-2-22 **RULES OF THE COUNCIL.** The following rules of order and procedure shall govern the deliberations and meetings of the City Council. **(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) Pledge of Allegiance.
- (3) Roll Call.
- (4) Consent Agenda.
- (5) Report of Commissioners.
- (6) Report of City Administrator, SCED Director, or other appointed City officers.
- (7) New or unfinished business.
- (8) Comments from public in attendance.
- (9) Closed session meeting (if necessary).
- (10) Adjournment.

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

(Ord. No. 17-20; 07-10—17)

(B) **Duties of Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Councilmen, 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) **Comments from Public in Attendance.** Members of the public shall be permitted to address the City Council during a designated portion of each regular or special meeting to comment on any matters of business under consideration by the City. No person shall address the City Council without having first secured the recognition of the Mayor. Each member of the public addressing the City Council shall be limited to **three (3) minutes** for his or her presentation, unless authorized to receive additional time by the consent of a majority of the City Council present.

Members of the Council, upon recognition by the Mayor, shall have the privilege of questioning speakers during the "public comments" portion of the agenda. Any time spent during questioning by members of the Council shall not be deducted from the **three (3) minute** time limit for comment permitted to each speaker. No member of the Council, including the Mayor, is required to interact with the public in attendance, to respond to any comment, or answer any questions brought forward. The City Clerk shall be designated as official timekeeper and shall be responsible for notifying the Mayor when the allotted time for each speaker has expired. Each member of the public addressing the Board shall be expected to conform to conventional standards of decorum and shall refrain from making insulting or vituperative remarks toward or about any member of the City Council, any employee or officer of the City, or any member of the audience. Only the Mayor shall have the authority to request that a speaker suspend his or her remarks for exceeding the prescribed time limit or for any other reason, such as a violation of the aforementioned standards of decorum.

Other than during the designated period provided for public participation, the City Council shall follow the prepared agenda. The members of the Council shall enter into the discussion of agenda items in a manner which permits other members of the Council, City staff, and members of the public to hear the proceedings of the Council, but shall refrain from interaction with members of the public during business sessions. The Mayor may, at his or her discretion, call on members of the public for information which may assist the Council in consideration of any agenda item. **(Ord. No. 17-20; 07-10-17)**

(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 that 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.

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

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

While a member is speaking, no 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 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 members authorized by law to be elected.

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

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

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided **two-thirds (2/3)** of the 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 Councilmen 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 or the order of the Chair shall be, on motion, censured by a majority vote of the members present, or expelled by a **two-thirds (2/3)** vote of all members elected. **(65 ILCS 5/3.1-40-15)**

(Y) The City Clerk shall forward all papers to the appropriate City officers as early as practicable after reference to said officers shall be made by the Council.

(Z) Any one of the foregoing rules may be altered or amended at any regular or special meeting of the City Council, provided notice has been given in writing at least **one (1) meeting** previous and these rules, or any of them, may be suspended at any such meeting by majority of the City Council voting for the same.

1-2-23 ELECTRONIC ATTENDANCE AT PUBLIC MEETINGS.

(A) A member of the City Council may participate and vote electronically at public meetings, including Council meetings and Committees of the Whole, if the member is unable to physically attend because of: (1) personal illness or disability; (2) employment purposes or business related to the City; (3) family or other major emergency. In order for such participation to be valid, the member must provide notice sufficiently in advance of the meeting for the City to be able to provide the technical means necessary to fulfill such a request. The Council may deny a member's electronic attendance request by a **two-thirds (2/3) vote** if the request does not meet one of the above criteria. A member may vote on motions and issues coming before the body, but his or her vote shall not count towards a quorum.

(B) The purpose of this Section, electronic participation means participation by telephone, video, or internet connection as provided by rules adopted by the council consistent with the provisions of Public Act 94-1058 amending the Illinois Open Meetings Act, **ILCS 120/7**. The electronic participation shall not be valid unless it provides means for the member to hear and participate in the discussion preceding any action of the Council.

(C) For the purposes of this Section, the Mayor shall be treated as a member of the Council and accorded the same rights of electronic participation.

(D) **Electronic Participation Rules.** The corporate authorities hereby adopt the Electronic Attendance at Meetings Rules attached hereto. The Mayor and Council retain the right to change or modify these rules at their discretion, provided such changes are in accordance with the Public Act 94-1058, or as hereafter amended. Upon adoption, the attached rules shall become a part of the City Council procedures.

(Ord. No. 16-23; 12-13-16)

DIVISION IV - ORDINANCES

1-2-24 ORDINANCES.

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

(D) Approval and Veto. 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.

(E) All ordinances shall have a number assigned using the last two digits of the year followed by a dash and the number of the ordinance with the number one being the first ordinance of the year. Resolutions will use the same system except that the first resolution of the year will be "A". Each resolution shall have the alphabet letter assigned to the resolution.

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, **“City of Sullivan, Illinois, Incorporated December 21, 1872”** and **“Seal”** in the exterior circle, and the figures of a **“locomotive and tender”** in the interior circle of the seal.

Such seal shall be and hereby is established and declared to be the seal of the City. **(See 65 ILCS Sec. 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 Sec. 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 Sec. 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 qualified elector of the Municipality or otherwise provided by law.

(2) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed city treasurers, or to appointed city collectors (unless the City has designated by ordinance that the City Clerk shall also hold the office of collector). **(See 65 ILCS Sec. 5/3.1-10-6)**

(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 Sec. 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 Sec. 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 City Council prior to the regular meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the City Treasury.

(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 Sec. 5/3.1-10-40)**

(H) **Conservators of Peace.**

(1) After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Councilmen 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 Sec. 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 Sec. 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 Sec. 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.

(B) A 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.

(C) A person is not eligible for the office of Commissioner unless that person has resided in the Municipality, as the case may be, at least **one (1) year** next preceding the election or appointment. **(See 65 ILCS Sec. 5/3.1-10-5)**

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	\$4,000.00
(2)	City Treasurer	\$2,900,000.00
(3)	City Commissioner	\$3,000.00
(4)	Police Chief	\$1,000,000.00
(5)	City Clerk	\$3,000.00

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

(C) **Surety.** The City Council shall not receive or approve any bond or security whereon the name of the City Council, any one of the 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 City Council or if any bondsman, after becoming such is elected or appointed to any City office, this Section shall not act as a release of any such obligation incurred. **(See 65 ILCS Sec. 5/4-4-2)**

1-2-32 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.**

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 Sec. 10/2-201 et seq.)**

1-2-33 BIDDING AND CONTRACT PROCEDURES.

(A) **When Competitive Bidding Required.** Subject to the exceptions contained in this Section, work or public improvements not to be paid for in whole or in part by special assessment or special taxation as well as purchases of or contracts for supplies, materials and certain services shall be based upon competitive bidding.

(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-Five Thousand Dollars (\$25,000.00)**, shall be purchased from the lowest responsible bidder, who meets bidding specifications after due notice inviting bids, unless competitive bidding is waived by a vote of **four (4)** of the **five (5) Council members** then holding office.

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

(D) **Scope of Notice.** The newspaper notice required herein shall include a general description of the work to be performed and/or articles to be purchased, shall state where specifications may be secured, that all bids must be sealed, the date and time of day bids are due, the date and time of day bids shall be opened and the City building as the location where bids shall be filed and opened.

(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 or other City designee, in which event, a tabulation of bids shall be furnished to the City Council not later than 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 based on 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-Five Thousand Dollars (\$25,000.00)** 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.

- (1) All purchases of major equipment such as backhoe, end loader, mowers, etc. less than **Twenty-Five Thousand Dollars (\$25,000.00)** shall be presented to City Council at the regular Council meeting for their review of said purchase.

(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. **(65 ILCS 5/4-5-11, 8-9-1 and 8-9-2)**
(Ord. No. 17-25; 09-11-17)

1-2-34 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 Sec. 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 **six (6) months** prior to the general municipal election in which voting is held for those offices.

1-2-35 CLAIMS.

(A) **Presentation.** All claims against the City for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance, **shall be filed with the Treasurer five (5) days prior to the City Council meeting.** 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.

1-2-36 FISCAL AND MUNICIPAL YEAR. The fiscal and 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 Sec. 5/1-1-2)

1-2-37 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 Sec. 5/3.1-50-15(B))**

1-2-38 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the City Hall.

1-2-39 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.

1-2-40 ILLINOIS MUNICIPAL RETIREMENT FUND.

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

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

1-2-41 - 1-2-46 RESERVED.

ARTICLE III – APPOINTED OFFICERS

DIVISION I – CITY CLERK

1-3-1 **APPOINTMENT.** At the first regular meeting after the Mayor and Commissioners are elected and qualified, the Mayor shall appoint the City Clerk and fix the salary, subject to the approval of the City Council, for a term of **four (4) years**. The Clerk shall have the custody of all Ordinances, records, books and papers, belonging to the City, and of the said City Seal, except those papers and records particularly pertaining to a single department and necessary to be kept in the office of the Superintendent of such department, and except as otherwise provided by this Chapter and the Statutes of the State of Illinois. He shall attend all regular and special meetings of the City Council and shall keep a full record of these proceedings.

1-3-2 **ORDINANCES.** He shall record, or cause to be recorded, in a book kept for that purpose, all the laws and ordinances of the City, and shall cause to be published in such newspaper as may be ordered by the City Council, all ordinances required by law to be published as and when passed by the City Council, within **ten (10) days** after they shall have been approved by the Mayor, or from the time they shall have taken effect without his approval.

1-3-3 **TRANSCRIPTS.** The City Clerk shall furnish any person desiring same a transcript of all laws and ordinances and all acts or proceedings of the City Council and he shall be entitled to charge therefor at the same rate as is allowed by law to the Clerk of the Circuit Court of Moultrie County, Illinois for the transcript of the records and papers of his office or as is hereinafter provided by Ordinance, provided, however, that the City Clerk shall furnish free of charge all such transcripts, properly certified, as may be necessary for the use of the City.

1-3-4 **BONDS.** It shall be the further duty of the Clerk to record in the public records of the City, any and all bonds that are or may be required of any officer of said City, and shall also record all bonds that are given by any person obtaining a license from said City.

1-3-5 **ELECTIONS.** The Clerk shall perform all duties imposed upon him by the election laws governing any election held within the City.

1-3-6 **LICENSE RECORDS.** The Clerk shall also keep a record of all licenses issued, the price paid for the same, the date of issue, and the expiration thereof.

1-3-7 **EXPENSE REPORTS.** The Clerk is authorized to require all officers to submit statements of the condition and expenses of their respective offices or departments with any proposed Municipal improvements and the probable expense thereof, all unperformed contracts and the amount of all unexpended appropriations of the preceding year. In this report, he shall:

- (A) Classify the different objects and purposes of the expenditure, giving, as nearly as may be, the amount required for each;
- (B) Show the aggregate income of the preceding fiscal year, from all sources;
- (C) Show the amount of liabilities upon which interest is to be paid;
- (D) Show the bonds and debts payable during the year and when due and payable;
- (E) Give such other information to the City Council as he deems necessary, so that the City Council may fully understand the demands on the Municipality for the current fiscal year.

1-3-8 **FISCAL SUPERVISION.** The Clerk shall exercise the general supervision over all of the officers of the City, charged in any manner with the receipt, collection or disbursement of the Municipal revenue or with the collection and return of the Municipal Revenue in the Treasury.

1-3-9 **ANNUAL REPORT.** The Clerk shall publish the annual account of the City Treasurer required to be filed by him at the end of each fiscal year, at least once in **one (1)** or more newspapers published in the Municipality, to be designated by the City Council.

1-3-10 **OFFICIAL OATH, BOND.** The City Clerk, before entering upon the duties of his office, shall take and subscribe the official oath prescribed by law and give a bond with at least **two (2)** good and sufficient sureties in the penal sum to be approved by the City Council, payable to the City, conditioned for the faithful performance of his duties as such Clerk, and for the payment into the City Treasury of all monies received by him belonging to the City, and for the performance of all such duties as now are, or may hereafter be prescribed by the Laws of the State of Illinois, or by the Ordinances of the City, said bond to be filed in the office of the City Treasurer and to be by him recorded and carefully preserved.

1-3-11 **SALARY.** The annual salary of the City Clerk shall be such amount as shall be fixed by ordinance of the City Council at the date of his appointment, for the term of his office, but such salary shall be payable in equal semi-monthly installments.

1-3-12 **VACANCY.** Any vacancy in the office of Clerk for any cause shall be filled by appointment of the Mayor, with the approval of the City Council, for the unexpired term.

1-3-13 - 1-3-14 **RESERVED.**

DIVISION II – CITY TREASURER

1-3-15 **CITY TREASURER; APPOINTMENT.** At the first regular meeting of the City Council after the Mayor and Commissioners are elected and qualified as such, the Commissioner of Accounts and Finances shall recommend and the Council shall elect by majority vote the City Treasurer, for the term of **four (4) years**. The City Treasurer so appointed before entering upon the duties of office, take and subscribe the official oath as prescribed by law, and give bond for the faithful performance of his/her duties, payable to the City, with duly qualified corporate surety company as surety thereon, in such amount as the Council shall by resolution determine, provided that the amount of his/her bond shall in no case be fixed at a less sum than the estimated taxes, special assessments, special taxes, license fees and receipts of the City from all sources for the current year, not less than **one and one-half (1 ½) times** the largest amount estimated by the City Council will be in his/her custody or control at any one time during the year for which said bond is given.

1-3-16 **MONIES.** The Treasurer shall receive all monies belonging to the City, and shall keep the books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the City Council. The Treasurer shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto. The Treasurer shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and upon what account paid, and shall also file copies of such receipts with the Clerk at the date of the monthly reports.

1-3-17 **REPORT.** The Treasurer shall, at the end of each and every month, and oftener if required, render an account under oath to the City Council or such officer as may be designated, showing the state of the treasury at the date of such account and the balance of money in the Treasury. The Treasurer shall also accompany such accounts with a statement of all monies received into the Treasury, and on what accounts, together with all warrants redeemed and paid by him/her; which said warrants, with any and all vouchers held by him/her, shall be delivered to the Clerk, and filed with his/her said account in the Clerk's office upon every day of such settlement. The Treasurer shall return all warrants paid by him/her stamped or marked "**Paid**". The Treasurer shall keep a register of all warrants redeemed and paid which shall describe each warrant, and show the date, amount, number, the fund from which paid, and the name of the person to whom and when paid.

1-3-18 **DEPOSIT OF FUNDS.** The Treasurer shall deposit all monies coming into his/her hands belonging to the Corporation in the First National Bank of Sullivan, Illinois or the First Mid Illinois Bank & Trust and Scott State Bank, Sullivan Branch, or such other place or places of deposit as shall be designated from time to time by City Ordinance, and it shall be the duty of the City Council, when necessary or when requested by the City Treasurer,

to designate another bank or banks or other depositories in which the funds and monies of the City, in the custody of the Treasurer, may be kept. The amount of such deposits in said bank or in any one bank, shall not exceed **seventy-five percent (75%)** of the capital stock and surplus of such bank, and the Treasurer shall not be discharged from the responsibility for any such finds or monies deposited in any bank in excess of such limitation.

1-3-19 SEPARATE AND SEGREGATED. The Treasurer shall keep all monies belonging to the Corporation in his/her hands separate and distinct from his/her own monies or other monies in his/her hands, and in separate and distinct accounts for the City funds, and he/she is hereby expressly prohibited from using, either directly or indirectly, the Corporation money or warrants in his/her custody and keeping, for his/her own use or benefit, or that of any other person or persons whomsoever; any violation of this provision shall subject him/her to immediate removal from office by the City Council, who are hereby authorized to declare said office vacant; in such case, his/her successor shall be appointed by the Commissioner of Accounts and Finances, subject to the approval of the City Council.

1-3-20 REPORTS TO COUNCIL. The Treasurer shall report to the City Council as often as required, a full and detailed account of all receipts and expenditures of the Corporation as shown by his books up to the time of said report; and he/she shall annually, by the end of October after the close of the preceding fiscal year, prepare and file with the City Clerk an account of all monies received and expenditures incurred during the preceding fiscal year. The Treasurer shall show in such account:

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

(B) all monies paid out by the City, 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;

(C) a statement showing the state of the City Treasury at the close of the fiscal year.

The report shall be filed with the City Clerk who shall publish the account at least once in **one (1)** or more newspapers published in the City, to be designated by the City Council. All warrants drawn upon the Treasurer shall be signed by the Mayor and countersigned by the City Clerk, stating a particular fund or appropriation to which the same is chargeable, and the person to whom payable; no money shall be otherwise paid and upon such warrant so drawn except as hereinafter provided. **(Ord. No. 02-01; 02-25-02)**

1-3-21 DELINQUENT ASSESSMENTS. It shall be the duty of the City Treasurer to take the proper steps and institute the proper proceedings as prescribed by the Statutes of the State of Illinois for the collection of any delinquent assessments remaining uncollected upon his said books. Any vacancy in the office of City Treasurer shall be filled by election by the City Council for the unexpired term, in the same manner as the original Treasurer was elected.

1-3-22 - 1-3-24 RESERVED.

DIVISION III – CITY ATTORNEY

1-3-25 **CITY ATTORNEY; APPOINTMENT.** At the first regular meeting of the City Council after the Mayor and Commissioners are elected and qualified as such, the Mayor subject to approval of the City Council, shall appoint a City Attorney for the term of **four (4) years** and fix his salary.

1-3-26 **SERVICES OF ATTORNEY.** The Attorney shall have full charge of the law affairs of the City, and shall be known as the City Attorney, or Corporation Counsel and shall receive reasonable fees for services rendered when, in his judgment, or in the judgment of the Mayor or the Council, the same are necessary or for the best interests of the City. The Attorney shall receive **One Thousand Five Hundred Dollars (\$1,500.00)** annually as his retainer.

1-3-27 **PROSECUTE FOR CITY.** The City Attorney shall prosecute or defend on behalf of the City, in all cases in which the interests of the corporation or any officer thereof are involved; and the City Clerk shall furnish him with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

1-3-28 **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.

1-3-29 **JUDGMENTS.** He shall direct executions to be issued upon all judgments recovered in favor of the City, and shall direct their prompt service. He shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the City therefore.

1-3-30 **DEPARTMENT ADVISOR.** He shall act as the legal advisor for the Water and Sewer Departments, for the Plan Commission and he shall perform the legal services required of the Departments and/or Boards and Commissioners.

1-3-31 **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.

1-3-32 **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. (See 65 ILCS Sec. 5/3.1-30-5)

1-3-33 - 1-3-34 **RESERVED.**

DIVISION IV – HEALTH OFFICER

1-3-35 **APPOINTMENT; TERM.** At the first regular meeting of the City Council after the Mayor and Commissioners are elected and qualified as such, and annually thereafter, the Commissioner of Public Health and Safety shall appoint, for the term of **four (4) years**, a City Health Officer.

(A) He shall be a practicing physician in the City, and shall make written report thereof to the City Council.

(B) The Health Officer, so appointed, shall be ex-officio member of the Board of Health, in an advisory capacity, and shall be authorized to enforce all rules and regulations established by the Board of Health for the promotion of health and the suppression of disease. It shall be the duty of the City Health Officer to make all necessary inspections relating to health, and report his findings and recommendations to the Board of Health, and to establish necessary quarantines as authorized by said Board, and to assist and advise the Board in all matters relating to public health.

(C) The annual salary of such Health Officer shall be such amount as shall be fixed by resolution of the City Council at the date of his appointment, and provision may be made for the payment of such salary in an annual payment.

DIVISION V – CITY ADMINISTRATOR

1-3-36 **APPOINTMENT; TERM.** The Mayor, subject to the approval of the City Council by a majority vote, shall appoint a City Administrator who will serve in that office until said office shall become vacant for a reason, whereupon said vacancy shall be filled by appointment by the Mayor, with the approval of the City Council.

(A) **Qualifications.** He/she shall have a Bachelor's Degree from an accredited four-year college or university. He/she should have considerable knowledge of modern policies and practices of public administration, a working knowledge of municipal finance, human resources, public works, public safety, and community development. He/she should be able to prepare and analyze comprehensive reports and communicate effectively verbally and in writing. He/she should be able to establish and maintain effective working relationships with employees, city officials, and the public.

(B) **Powers and Duties.** The City Administrator, under and subject to the direction of the Mayor and City Council, shall be the chief administrator of the City and shall be responsible to the Mayor and City Council for the proper administration of the affairs of the City and policies adopted by the City Council:

(1) He/she may appoint such assistants, department heads, or employees as are necessary for the proper functioning of the City, subject to the

approval by the Council, except that the City Administrator may not appoint those city officers, which are by statute required to be appointed by the Mayor or Commissioners.

- (2) He/she shall plan, organize, direct, and coordinate the operations of all city departments consistent with the policies and goals established by the Mayor and City Council. He/she shall:
- (a) Provide for the enforcement of all laws and ordinances;
 - (b) Work with the Mayor and the Clerk to create the agenda for and attend all meetings of the City Council. The City Administrator shall have the right to participate in the discussion of all matters but shall have no right to vote;
 - (c) Administer the personal rules and regulations as determined by the Employee Handbook, and bring any proposed changes to the City Council;
 - (d) Administer the conduct of all collective bargaining processes and recommend to the City Council the agreements for approval;
 - (e) Direct, supervise, and coordinate the activities of all City departments, and recommend to the City Council any actions to ensure all City business is accomplished efficiency and economically;
 - (f) Conduct, with the appropriate Council member, an annual review of department heads, and require those department heads to submit annual reviews of their subordinate employees;
 - (g) Investigate all complaints in relation to matters concerning the administration of the government of the City and services maintained by the public utilities in the City;
 - (h) Assist the City Treasurer in preparation of the City budget and inventory of City property;
 - (i) Evaluate City projects and programs, and recommend to the Council any modifications or improvements;
 - (j) Perform other duties as assigned by the Mayor or City Council as a whole; and
 - (k) Powers assigned to the City Administrator are not intended to diminish those powers otherwise assigned to another officer by statute or ordinance, including, but not limited to, the Mayor.

(C) **Residency.** The City Administrator must establish residence per the guidelines set in the Personnel Policy Handbook within **six (6) months** of his/her appointment as City Administrator.

(D) **Compensation.** The City Administrator shall receive such compensation as set from time to time by the City Council. The City Council may enter into an employment agreement which specifies in writing provisions, including but not limited to, establishing the level of compensation, specifying benefits, determining separation pay upon termination and other conditions of employment.

(E) **Removal.** The City Administrator may be removed in accordance with law and subject to the terms of the employment contract entered into by and between the Mayor, City Council, and City Administrator.

(F) **Bond.** The City Administrator shall furnish a bond in such amount and with such surety as may be approved by the Mayor and City Council; such bond to be conditioned upon the faithful performance of his/her duties. The cost of the bond shall be paid by the City. The bond of the City Administrator may be part of a blanket bond.

(Ord. No. 16-14; 09-12-16)

ARTICLE IV - SALARIES

1-4-1 **ESTABLISHED.** The Mayor and the City Commissioners shall be paid as compensation for their services salary, payable monthly as the Commissioners shall determine, in the sum hereinafter set forth opposite the designated office:

(A) **Department of Public Affairs.** Mayor: **Eight Thousand Dollars (\$8,000.00)** per year. The Mayor shall receive an annual salary of **Five Hundred Dollars (\$500.00)** as the City's Liquor Commissioner.

(B) **Department of Accounts and Finance.** Commissioner: **Five Hundred Dollars (\$500.00)** per month.

(C) **Department of Public Health and Safety.** Commissioner: **Five Hundred Dollars (\$500.00)** per month.

(D) **Department of Streets and Public Improvements.** Commissioner: **Five Hundred Dollars (\$500.00)** per month.

(E) **Department of Public Property.** Commissioner: **Five Hundred Dollars (\$500.00)** per month.

(See 65 ILCS Sec. 5/4-6-1)

ARTICLE V – STATE GIFT BAN ACT

1-5-1 ADOPTION OF ACT.

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

(B) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the City. All non-salaried appointed or elected officials are exempted from the Act and the provisions of this Article.

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

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

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

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

(A) If the Illinois Supreme Court declares the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) unconstitutional in its entirety, then this Article shall be repealed as of the date that the Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. The Article shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

(B) If the Illinois Supreme Court declares part of the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Article shall remain in full force and effect; however, that part of this Article relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City.

(Ord. No. 99-7; 05-10-99)

ARTICLE VI – ETHICS CODE

1-6-1 DEFINITIONS. For the purposes of this Article, the following terms shall be given these definitions:

“Campaign for Elective Office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 3 of the Election Code (**10 ILCS 5/315/3**).

“Collective Bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (**5 ILCS 315/3**).

“Compensated Time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under the control, of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

“Compensatory Time Off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

“Contribution” has the same meaning as that term is defined in Section 9-1.4 of the Election Code (**10 ILCS 5/9-1.4**).

“Employee” means a person employed by the City, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

“Employer” means the City of Sullivan.

“Gift” means any gratuity, discount, entertainment, hospitality, loan forbearance or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

“Leave of Absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

“Officer” means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

“Political Activity” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities, (i) relating to the support of opposition of any executive, legislative or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“Political Organization” means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (**10 ILCS 5/9-3**), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Prohibited Political Activity” means:

(A) Preparing for, organizing or participating in any political meeting, political rally, political demonstration or other political event.

(B) Soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fundraiser, political meeting or other political event.

(C) Soliciting, planning the solicitation of or preparing any document or report regarding anything of value intended as a campaign contribution.

(D) Planning, conducting or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(E) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(F) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(G) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(H) Initiating for circulation, preparing, circulating, reviewing or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(I) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(J) Preparing or reviewing responses to candidate questionnaires.

(K) Distributing, preparing for distribution or mailing campaign material on behalf of any candidate for elective office or for or against any referendum question.

(L) Campaigning for any elective office or for or against any referendum question.

(M) Managing or working on a campaign for elective office or for or against any referendum question.

(N) Serving as a delegate, alternate or proxy to a political party convention.

(O) Participating in any recount or challenge to the outcome of any election. "Prohibited source" means any person or entity who:

- (1) is seeking official action (a) by an officer or (b) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (a) with the officer or (b) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (a) by the officer or (b) by an employee, or by the officer or other employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

1-6-2 PROHIBITED POLITICAL ACTIVITIES.

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the City in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (1) as part of the officer or employee's duties, (2) as a condition of employment, or (3) during any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(D) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities

that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Article.

(E) No person either (1) in a position that is subject to recognized merit principles of public employment or (2) in a position that salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personal Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

1-6-3 **GIFT BAN.**

(A) Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

(B) **Exceptions.** Section 1-6-3 is not applicable to the following:

- (1) Opportunities, benefits and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (a) contribution that is lawfully made under the Election Code or (b) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was

provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- (8) Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** per person in value on a single calendar day; provided that the food or refreshments are (a) consumed on the premises from which they were purchased or prepared or (b) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and there are customarily provided to others in similar circumstances.
- (10) **Intra-Governmental and Inter-Governmental Gifts.** For the purpose of this Act "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

(C) **Disposition of Gifts.** An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.

1-6-4 ETHICS COMMISSION.

(A) There is hereby created a commission to be known as the Ethics Commission of the City. The Commission shall be comprised of **three (3) members** appointed by the Mayor with the advice and consent of the City Council. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the City. No more than **two (2) members** of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

(B) At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. **Two (2)** commissioners shall serve **two (2) year** terms, and the third commissioner shall serve a **one (1) year** term. Thereafter, all commissioners shall be appointed to **two (2) year** terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any **two (2)** commissioners. A quorum shall consist of **two (2)** commissioners, and official action by the Commission shall require the affirmative vote of **two (2) members.**

(C) The Mayor, with the advice and consent of the City Council, may remove a commissioner in case of incompetence, neglect of duty or malfeasance in office after service on the Commissioner by certified mail, return receipt requested, of a copy of the written charges against the Commissioner and after providing an opportunity to be heard in person or by counsel upon not less than **ten (10) days'** notice. Vacancies shall be filled in the same manner as original appointments.

- (D) The Commission shall have the following powers and duties:
- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
 - (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this Ordinance and refer violations of **Section 1-6-2** or **Section 1-6-3** of this Article to the appropriate Attorney for prosecution. The

Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Article and not upon its own prerogative.

- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Article.
- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the City to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- (5) The powers and duties of the Commission are limited to matters clearly within the purview of this Article.

(E) Complaints alleging a violation of this Article shall be filed with the Ethics Commission.

(F) Within **three (3) business days** after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint within **three (3) business days** after receipt by the Commission. The notices of the respondent and the complaint shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(G) Upon not less than **forty-eight (48) hours'** public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within **seven (7) business days** after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of **Section 1-6-3** of this Article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date schedule within **four (4) weeks** after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then

the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of **Section 1-6-2** of this Article, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(H) On the scheduled date and upon at least **forty-eight (48) hours'** public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(I) Within **thirty (30) days** after the date of the hearing or any recessed hearing is concluded, the Commission shall either (1) dismiss the complaint or (2) issue a recommendation for discipline to the alleged violator to the Mayor, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline and any fine imposed shall be a matter of public information.

(J) If the hearing was closed to the public, the respondent may file a written demand for public hearing on the complaint within **seven (7) business days** after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within **fourteen (14) days** after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least **forty-eight (48) hours'** public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within **seven (7) days** thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Mayor or impose a fine upon the violator, or both.

(K) If a complaint is filed during the **sixty (60) days** preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under paragraph (I) within **seven (7) days** after the complaint is filed, and during the **seven (7) days** preceding that election, the Commission shall render such decision before the date of that election, if possible.

(L) The Commission may fine any person who intentionally violates any provision of **Section 1-6-3** of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may recommend any appropriate discipline up to and including discharge.

(M) A complaint alleging the violation of this Act must be filed within **one (1) year** after the alleged violation.

1-6-5 PENALTIES.

(A) A person who intentionally violates any provision of **Section 1-6-2** of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(B) A person who intentionally violates any provision of **Section 1-6-3** of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**.

(C) Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(D) A violation of **Section 1-6-2** of this Article shall be prosecuted as a criminal offense by an attorney for the City by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of **Section 1-6-3** of this Article may be prosecuted as a quasi-criminal offense by an attorney for the City, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of **Section 1-6-2** of this Article is subject to discipline or discharge.

(Ord. No. 04-04; 03-22-04)