

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

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

**1-1-3** **AMENDMENTS.** Any ordinance amending this City Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code on an annual basis. **(See 65 ILCS 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 CLINTON** ) ss. **CITY CLERK'S OFFICE**  
**CITY OF BREESE** )

I, Robert Venhaus, City Clerk of the **City of Breese, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the City of Breese, Illinois of 2015**, published by authority of the City Council were duly passed by the City Council of the **City of Breese, Illinois**, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **City of Breese, Illinois**, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**ROBERT VENHAUS**  
**CITY CLERK**  
**CITY OF BREESE**

**(SEAL)**

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

## DIVISION III - DEFINITIONS

**1-1-15**      **CONSTRUCTION OF WORDS.** Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

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

**1-1-16**      **DEFINITIONS.** Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

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

**"CITY"** shall mean the City of Breese, Illinois.

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

**"CORPORATE AUTHORITIES"** shall mean the Mayor and the City Council. **(See 65 ILCS 5/1-1-2)**

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

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

**"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" OR "FEES"** 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 1<sup>st</sup> of each year and end on April 30<sup>th</sup> of the following year.** **(See 65 ILCS 5/1-1-2[5])**

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

**"LAW"** denotes applicable federal law, the Constitution and statutes of the State of Illinois, the ordinances of the City and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

**"LEGAL HOLIDAY"** shall mean the holidays as authorized and recognized by the City Council in the employee agreement.

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

**"MAY"**. The word "may" is permissive.

**"MAYOR"** as used in this Code shall mean the Mayor of this City.

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

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

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

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

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

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

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

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

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

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

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

**"PERSONAL PROPERTY"** shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

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

**"SHALL"**. The word "shall" is mandatory and not discretionary.

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

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

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

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

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

**"WRITTEN" AND "IN WRITING"** may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. **(See 65 ILCS 5/1-1-2)**

**1-1-17      CATCHLINES.** The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

**1-1-18 - 1-1-19      RESERVED.**

## DIVISION IV - GENERAL PENALTY

### **1-1-20**      **PENALTY.**

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** 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) **Guilty Plea – No Court Appearance.** 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. **(See 65 ILCS 5/1-2-7 and 5/1-2-8)**

(F) **Community Service.** A penalty imposed for the violation of any section of this Code 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 public parks or along public highways or the maintenance of public facilities.

### **1-1-21**      **VIOLATIONS PENALTY.**

(A) Any person accused of a violation of any Section of this Code, except **Chapters 34** and **40**, may settle and compromise the claim by paying to the City the sum of **One Hundred Dollars (\$100.00)** as an administrative fee within **ten (10) days** from the time such alleged offense was committed or by paying to the City Clerk the sum of **One Hundred Twenty-Five Dollars (\$125.00)** subsequent to said **ten (10) day** period and prior to such person being issued a complaint or notice to appear.

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

**1-1-22**      **SERVICE BY CERTIFIED MAIL.** In all actions for violation of any municipal ordinance where the fine would not be in excess of **Seven Hundred Fifty Dollars (\$750.00)** and no jail term could be imposed, service of summons may be made by the municipal clerk by certified mail, return receipt requested, whether service is to be within or without the State. **(See 65 ILCS 5/1-2-9.1)**

**1-1-23      APPLICATION.**

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

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

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

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

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



## ARTICLE II - CITY OFFICIALS

### DIVISION I - CITY COUNCIL

**1-2-1 CITY COUNCIL.** The City Council shall consist of the Mayor and **eight (8) Aldermen, two (2) from each of the four (4) wards,** and their term of office shall be for **four (4) years,** and until their successors are elected and have qualified. **(See 65 ILCS 5/3.1-10-50(D) and 5/3.1-20-10)**

**1-2-2 REGULAR MEETINGS.** The regular stated meetings of the City Council shall be held in the City Hall Building on the **first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesdays** in each month at **7:30 P.M.** When said meeting date falls upon a legal holiday, the meeting shall be held on the next secular day at the same hour. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the **Meetings of Public Agencies Act of the State of Illinois, Illinois Compiled Statutes, Ch. 5, Sections 120/1 through 120/5. (See 65 ILCS 5/3.1-40-25)**

**1-2-3 SPECIAL MEETINGS.** Special meetings of the City Council may be called by the Mayor or any **three (3) Aldermen** by giving **at least 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 Aldermen; such notices shall be served by mail, by the City Clerk or a designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the City Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. The notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. **(See 65 ILCS 5/3.1-40-25 and 5 ILCS 120/2.02 and 120/2.03)**

**1-2-4 COMMITTEES.** The following standing committees of the City Council are hereby established, to-wit:

- |     |                       |                               |
|-----|-----------------------|-------------------------------|
| (A) | (1) Finance Committee | (5) Recreation                |
|     | (2) Utilities         | (6) Public Building & Grounds |
|     | (3) Public Works      | (7) Zoning                    |
|     | (4) Public Safety     | (8) Health & Welfare          |

**NOTE:** Committee appointments are subject to change at the discretion of the Mayor. **(Ord. No. 722A; 04-16-91)**

(B) The committees shall be appointed every **two (2) years** by the Mayor after the municipal election.

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

(D) The first named Alderman of each committee shall be the chairman, and in case of his absence or disability, the one next named shall act as chairman.

(E) The reports of committees shall be in writing.

(F) As provided by law, any report of a committee of the City Council shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any **two (2) Aldermen** present.

(G) Each standing committee of the City Council shall exercise a general supervision over the affairs of the department of municipal government with which it is connected; shall ascertain the condition and needs of said department; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the department.

**(See 5 ILCS 120/1 and 120/2.06)**

**1-2-5 SPECIAL COMMITTEES.** Special Committees may be appointed by the Mayor, subject to the advice and consent of the Aldermen, as may be needed from time to time.

**1-2-6 QUORUM.** At all meetings of the City Council, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Council, the Aldermen may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings. **(See 65 ILCS 5/3.1-40-20)**

**EDITOR'S NOTE:** When the Council has a Mayor and eight (8) Aldermen, a quorum is five (5), which may consist of the Mayor and four (4) Aldermen, or five (5) Aldermen.

**1-2-7 COMPELLING ATTENDANCE.** It shall be the duty of each and all Aldermen to attend all regular meetings of the City Council and all special meetings when each has been duly notified of the date and place of such meeting. If, at any special meeting duly called, a quorum is not present, the Aldermen in attendance may adjourn the same to some stated time. Any Alderman duly notified in writing by the City Clerk of the time and place of such adjourned meeting and any Alderman who may have been present when such adjournment was had who fails to attend the same shall be fined **Fifteen Dollars (\$15.00)** for each of such adjourned meetings as he failed to attend; provided that the foregoing shall not apply when any Alderman is absent from such meeting or meetings because of sickness or unavoidable accident. **(See 65 ILCS 5/3.1-40-20)**

**1-2-8 MEMBERS REFUSING TO ATTEND.** Any member of the City Council who shall neglect or refuse to attend any meeting of the City Council without good and sufficient excuse to be passed upon by the City Council shall be fined the sum of **Twenty-Five Dollars (\$25.00)** for failure to attend such meeting. No member shall receive compensation for failure to attend said meeting under the provisions of **Section 1-2-2.** **(See 65 ILCS 5/3.1-10-50 and 5/3.1-40-20)**

**[EDITOR'S NOTE:** No procedure is set forth in the statutes for determining that a vacancy exists. Where a true question exists as to the presence of a vacancy, a hearing should be held before the vacancy is declared. A registered letter should be sent to the last known address of the person whose office is in question.

**1-2-9 - 1-2-10 RESERVED.**

## DIVISION II - RULES OF THE CITY COUNCIL

**1-2-11** **RULES OF THE COUNCIL.** The following rules of order and procedure shall govern the deliberations and meetings of the City Council. **(See 65 ILCS 5/3.1-40-15)**

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

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

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

\* **See Section 1-2-13.**

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

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

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

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

(D) **Visitors.** A person other than a member of the Council may address that body subject to the provisions of **Section 1-2-13.**

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

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

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

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

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

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

(I) **Question of Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned or impugned.

(J) **Voting.** Every member who shall be present when a question is stated from the chair shall vote thereon, unless he is personally interested in the question, in which case, he shall take whatever steps are necessary to insure that his vote is not taken.

(K) **Special Order of Business.** Any matter before the City Council may be set down as a special order of business at a time certain if **two-thirds (2/3)** of the Aldermen present vote in the affirmative, but not otherwise.

(L) **Seconding of Notions Required; Written Motions.** No motion shall be put or debated in the meeting or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Council, except motions of procedure, shall be reduced to writing if required by a member, and the proposer of the motion shall be entitled to the floor.

(M) **Withdrawal of Motions.** After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the Aldermen, but it may be withdrawn at any time before decision, by consent of the Aldermen.

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

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

(P) **Taking and Entering the Votes - Explanations of Votes Not Permitted.** If any member required it, the "yeas" and "nays" upon any question shall be taken and entered in the journal; but the yeas and nays shall not be taken unless called for prior to any vote on the question.

When the Clerk has commenced to call the roll of the members for the taking of a vote by yeas and nays, all debate on the question before the City Council shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by the Clerk, by answering yea or nay, as the case may be.

(Q) **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.

(R) **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.

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

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

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

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

(T) **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.

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

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

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

(V) **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.

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

(X) **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.

(Y) **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.

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

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

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

(BB) **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.

(CC) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of **two-thirds (2/3)** of the Aldermen 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 Aldermen entitled by law to be elected.

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

**NOTE ON VOTING:** An Alderman is not required to vote on a motion, resolution or ordinance. His failure to vote, however, will not invalidate a resolution or motion which does not require the affirmative vote of a particular percentage of the corporate authorities where the majority of those exercising their franchise are in favor of the motion or resolution.

In dealing with an ordinance involving liability, expenditure or appropriation wherein an affirmative vote of a majority of the corporate authorities holding office is required, the philosophy is this: "If a member of a public body is present at a meeting, he is obliged to vote, except if he has an interest in the matter that is before the public body, and if he does not vote, his failure to do so must be construed as concurring with the majority. The non-vote will be counted in the column of the majority of those voting."

**1-2-12** **AGENDA.** An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Council no later than **forty-eight (48) hours** prior to the regular Council meeting. In the case of emergency matters, which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda will be furnished to each member of the Council prior to the opening of the Council meeting. **(See 5 ILCS 120/2.02)**

**1-2-13** **ADDRESS BY NON-MEMBERS.** Any person not a member of the City Council may address the City Council with regard to items of proposed business under the following rules:

(A) He or she must come by the City Clerk's office during regular office hours on the Friday before the regular scheduled Council meeting and sign a request form to be placed on the Council meeting agenda to address the City Council. **(See Addendum "C")**

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

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

(D) Non-members and companions with disabilities who require auxiliary aids and/or services shall notify the City Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required.

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

**1-2-14** **AUXILIARY AID OR SERVICE.** The City shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with orders.

(A) The City shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the City.

(B) Auxiliary aids and services shall be provided in a timely manner.

(C) Individuals shall notify the City Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required.



## **DIVISION III - ORDINANCES**

### **1-2-15      ORDINANCES.**

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

(B)      **Introduced.** When a proposed ordinance is introduced, it shall be read one time by title only and referred to the proper committee unless the City Council shall otherwise specifically direct.

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

(D)      **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against the City, or (2) that provide for the expenditure or appropriation of its money, or (3) to sell any City property, and all ordinances, passed by the City Council shall be deposited with the City Clerk. If the Mayor approves an ordinance or resolution, the Mayor shall sign it. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the City Council, with the Mayor's written objections, at the next regular meeting of the City Council occurring not less than five (5) days after their passage. The Mayor may disapprove of any one (1) or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of the Mayor's signature. **(See 65 ILCS 5/3.1-40-45)**

**1-2-16**        **RECONSIDERATION--PASSING OVER VETO.** Every resolution and motion, specified in Section 1-2-14 and every ordinance, that is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting following the regular meeting at which the Village Board receives the Mayor's written objection. If, after reconsideration, **two-thirds (2/3)** of all the Aldermen then holding office on the City Council agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. **(See 65 ILCS 5/3.1-40-50)**

**1-2-17**        **NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING.** No vote of the City Council shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting at least as many Aldermen as were present when the vote was taken. **(See 65 ILCS 5/3.1-40-55)**

**1-2-18**        **RESERVED.**

## **DIVISION IV - GENERAL PROVISIONS**

### **1-2-19      CORPORATE SEAL.**

(A)      The Seal provided by the City Council, consisting of the word, "**Seal**" with the inscription, "**City of Breese, Clinton County, Illinois**", around the outer edge of the seal shall be and hereby is established and declared to be the seal of the City of Breese. The City Clerk shall be the custodian of the City Seal. **(1973 Code) (See 65 ILCS 5/2-2-12)**

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

### **1-2-20      ELECTIONS.**

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

(B)      **Inauguration.** The inauguration of newly elected City officials shall occur at the first regular or special meeting of the City Council in the month of May following the general municipal election in April. **(See 65 ILCS 5/3.1-10-15)**

(C)      **Canvass.** Within **three (3) days**, and at a fairly reasonable hour after any election of members to the City Council, the Council shall canvass the returns for office, declare the result and cause a statement thereof to be entered upon its journal.

**1-2-21      APPOINTMENT OF ELECTED OFFICIALS.** No Alderman of this City, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor except if such Alderman is granted a leave of absence from such office. However, such Alderman may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this section is void. **(See 65 ILCS 5/3.1-15-15)**

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

### **1-2-22      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 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 5/3.1-10-30)

(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-20** of this Code. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk. (See 65 ILCS 5/3.1-10-35)

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

(F) **Fees; Report of Fees.** No officer of the municipality shall be entitled to charge or receive any fees as against the City. All officers of the City entitled to receive fees shall keep a correct account thereof, and make a report thereof under oath to the 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 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, Aldermen and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:
  - (a) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,
  - (b) to commit arrested persons for examination,
  - (c) if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and
  - (d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.
- (2) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. (See 65 ILCS 5/3.1-15-25)

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

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

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

**(See 65 ILCS 5/3.1-15-20)**

**(See "Administration of Oaths", Section 1-2-73)**

**1-2-23 RESIGNATION OF APPOINTED OFFICIALS.** Any officer of the City may resign from office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a City officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. **(See 65 ILCS 5/3.1-10-50)**

**1-2-24 QUALIFICATIONS; ELECTIVE OFFICE.**

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

(B) 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, until completion of his or her sentence. **(65 ILCS 3.1-10-5 and 3.1-10-5(B))**

(C) A person is not eligible for the office of Alderman of a ward unless that person has resided in the ward that the person seeks to represent, and a person is not eligible for the office of trustee of a district unless that person has resided in the municipality, at least **one (1) year** next preceding the election or appointment, except as provided in **65 ILCS 5/3.1-20-25 and 5/5-2-2. (See 730 ILCS 5/5-5-5(b))**

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

**1-2-25 BONDS OF CITY OFFICERS.**

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

- |     |                |             |
|-----|----------------|-------------|
| (1) | Mayor          | \$50,000.00 |
| (2) | City Treasurer | \$50,000.00 |

- (3) City Clerk \$50,000.00
- (4) City Collector \$50,000.00

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

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

**1-2-26      LIABILITY INSURANCE.**

(A) **Purchase Of.** The City Council shall have the power to purchase liability insurance covering and insuring all municipal officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover and protect any liability which the municipal corporation, officer, employee or elected official may incur. When the insurance has been purchased, the City shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the municipal corporation, officer, employee or elected official.

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

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

**1-2-27      BIDDING AND CONTRACT PROCEDURES.**

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

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Twenty Thousand Dollars (\$20,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds (2/3) of the Aldermen then holding office.

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

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

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

(F) **Bid Opening Procedure.**

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

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

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

(I) **Award of Contract.**

- (1) **Authority in City.** The City Council shall have the authority to award contracts within the purview of this section.
- (2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the City to accept. In awarding the contract, in addition to price, the City Council shall consider:
  - (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
  - (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
  - (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
  - (d) The quality of the performance of previous contracts or services;

- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (i) The number and scope of conditions attached to the bid.
- (j) Whether the bidder has furnished a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

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

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Twenty Thousand Dollars (\$20,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

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

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies materials or services, the City Council shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

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

## **1-2-28 SALARIES REGULATION.**

(A) **Elected.** No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.

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

**EDITOR'S NOTE:** The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance at least **one hundred eighty (180) days** before the beginning of the terms of the officers whose compensation is to be filed.



**1-2-29            CLAIMS PRESENTATION.**

(A)            **Presentation.** All claims against the City for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance, **must be presented on or before the first (1<sup>st</sup>) Monday of each month** to the City Clerk. All such claims must be in writing and items shall be specified.

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

**1-2-30            MUNICIPAL YEAR.** The municipal year of the City shall begin on **May 1<sup>st</sup> of each year and shall end on April 30<sup>th</sup> of the following year. (See 65 ILCS 5/1-1-2)**

**1-2-31            EXPENSE REIMBURSEMENT.**

(A)            The City is a unit of local government which is not home rule, and is subject to the requirements of **55 ILCS 150/1 et seq.**

(B)            The City has enacted regulations for travel expenses to comply with the requirements of the Act.

(C)            The City has adopted a standardized form (attached as Exhibit "A") to document the expenses which includes the minimum amount of information as set forth in the Act.

(D)            The City has established a maximum amount allowable for travel expense reimbursement, and the amounts shall be as set forth in the Police Statement (attached as Exhibit "B").

(E)            The City has defined the types of official business for which travel expenses are allowed, as follows: To meet continuing education requirements, to attend IML, IMEA, IMUA, APAA, ITIA, EDC-Mid-America-Economic Development Council, and other conferences and meetings described on the Travel Reimbursement Policy Statement attached as Exhibit "B" hereto, to attend conferences or meetings for any organization of which the City is a member, to expand or enhance knowledge pertaining to government field of expertise through national or state recognized associations, to participate in state or national government related meetings, associations or forums which affect the City, for training or education purposes, to meet with attorneys, professionals, engineers, architects, or advisors in City related business, any other event, meeting, conference, or training session which is directly related to the business of the City or which the City would directly benefit.

(F)            The City has mandated that any employee or official complete and submit the standard form (attached as Exhibit "A") and provide documentation for such travel expenses in order to seek reimbursement.

(G)            The City has mandated that the travel expenses of any member of the City Council, or an elected official of the City, must be approved by a roll-call vote during an open meeting of the City Council.

(H)            The City has mandated that the travel expenses of any employees or officer that exceed the maximum allowable amount under the regulation adopted must be approved by a roll-call vote during an open meeting of the City Council.

(I)            The City has prohibited all reimbursements for entertainment unless otherwise permitted as set forth in the Act.

**(Ord. No. 1360; 12-20-16)**

**1-2-32      OFFICIAL RECORDS.** All official records, including the Corporate Seal, shall be kept in the City Hall.

**1-2-33      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.

**1-2-34      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.  
(C)      The City does hereby elect to exclude from participation in the Illinois Municipal Retirement Fund all officials and employees in positions normally requiring performance of duty for less than **one thousand (1,000) hours** per year.  
(D)      This exclusion shall apply only to officials and employees who first occupy offices or positions under the Fund after adoption of this Section. **(Ord. No. 674A; 07-18-89)**

**1-2-35      CERTIFICATES OF INSURANCE.** All contractors and sub-contractors doing work for the City shall first provide a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage. **(Ord. No. 457; 06-11-74)**

**1-2-36      EMPLOYEES.**  
(A)      Except as otherwise provided herein or as provided in a Collective Bargaining Agreement and as provided in paragraph (B) and (C) herein, all employees of the City must reside within a radius of **ten (10) miles** from the current location of City Hall at the commencement of their employment or as soon thereafter as reasonably required by the Mayor with advice and consent of the City Council. This shall not apply to any corporation, firm or person rendering professional services to the City.  
(B)      All employees of the Ambulance Department of the City shall reside within a **thirty (30) mile** radius of the current location of the City Hall of the City of Breese at the time of commencement of their employment with the City or as soon thereafter as required by the Mayor with the advice and consent of the City Council.  
(C)      The Golf Club Manager shall reside within a **thirty (30) mile** radius of the current location of the City Hall of the City of Breese at the time of commencement of his or her employment with the City or as soon thereafter as required by the Mayor with the advice and consent of the City Council.  
**(Ord. No. 1507; 04-05-22)**

**1-2-37 - 1-2-39      RESERVED.**

## DIVISION V - VACANCIES

**1-2-40**      **VACANCY BY RESIGNATION.** A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

(A)      **Unconditional Resignation.** An unconditional resignation by a person holding the elective office may specify a future date, not later than **sixty (60) days** after the date the resignation is received by the officer authorized to fill the vacancy, at which time it becomes operative, but the resignation may not be withdrawn after it is received by the officer authorized to fill the vacancy. The effective date of a resignation that does not specify a future date at which it becomes operative is the date the resignation is received by the officer authorized to fill the vacancy. The effective date of a resignation that has a specified future effective date is that specified future date or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(B)      **Conditional Resignation.** A resignation that does not become effective unless a specified event occurs can be withdrawn at any time prior to the occurrence of the specified event, but if not withdrawn, the effective date of the resignation is the date of the occurrence of the specified event or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(C)      **Vacancy Upon the Effective Date.** For the purpose of determining the time period that would require an election to fill the vacancy by resignation or the commencement of the **sixty (60) day** time period referred to in **Section 1-2-44**, the resignation of an elected officer is deemed to have created a vacancy as of the effective date of the resignation.

(D)      **Duty of the Clerk.** If a resignation is delivered to the Clerk of the Municipality, the Clerk shall forward a certified copy of the written resignation to the official who is authorized to fill the vacancy within **seven (7) business days** after receipt of the resignation.

**1-2-41**      **VACANCY BY DEATH OR DISABILITY.** A vacancy occurs in an office by reason of the death of the incumbent. The date of the death may be established by the date shown on the death certificate. A vacancy occurs in an office by permanent physical or mental disability rendering the person incapable of performing the duties of the office. The corporate authorities have the authority to make the determination whether an officer is incapable of performing the duties of the office because of a permanent physical or mental disability. A finding of mental disability shall not be made prior to the appointment by a court of a guardian ad litem for the officer or until a duly licensed doctor certifies, in writing, that the officer is mentally impaired to the extent that the officer is unable to effectively perform the duties of the office. If the corporate authorities find that an officer is incapable of performing the duties of the office due to permanent physical or mental disability, that person is removed from the office and the vacancy of the office occurs on the date of the determination.

**1-2-42**      **VACANCY BY OTHER CAUSES.**

(A)      **Abandonment and Other Causes.** A vacancy occurs in an office by reason of abandonment of office; removal from office; or failure to qualify; or more than temporary removal of residence from the Municipality, as the case may be. The corporate

authorities have the authority to determine whether a vacancy under this Section has occurred. If the corporate authorities determine that a vacancy exists, the office is deemed vacant as of the date of that determination for all purposes including the calculation under **Sections 1-2-44 or 1-2-45**.

(B) **Guilty of a Criminal Offense.** An admission of guilt of a criminal offense that upon conviction would disqualify the municipal officer from holding the office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, constitutes a resignation from that office, effective on the date the plea agreement is made. For purposes of this Section, a conviction for an offense that disqualifies a municipal officer from holding that office occurs on the date of the return of a guilty verdict or, in the case of a trial by the court, on the entry of a finding of guilt.

(C) **Election Declared Void.** A vacancy occurs on the date of the decision of a competent tribunal declaring the election of the officer void.

**1-2-43** **ELECTION OF AN ACTING MAYOR.** The election of an acting Mayor pursuant to **Section 1-2-45 or 1-2-46** does not create a vacancy in the original office of the person on the City Council, unless the person resigns from the original office following election as acting Mayor. If the person resigns from the original office following election as acting Mayor, then the original office must be filled pursuant to the terms of this Section and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor. If the person does not resign from the original office following election as acting Mayor, then the acting Mayor shall exercise the powers of the Mayor but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting Mayor, and if that person's original term of office has not expired when a Mayor is elected and has qualified for office, the acting Mayor shall return to the original office for the remainder of the term thereof.

**1-2-44** **APPOINTMENT TO FILL ALDERMAN VACANCY.** An appointment by the Mayor or acting Mayor, as the case may be, of a qualified person as described in **Section 1-2-23** of this Code to fill a vacancy in the office of Alderman must be made within **sixty (60) days** after the vacancy occurs. Once the appointment of the qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment fails to receive the advice and consent of the corporate authorities within **thirty (30) days**, the Mayor or acting Mayor shall appoint and forward to the corporate authorities a second qualified person as described in **Section 1-2-23**. Once the appointment of the second qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment of the second qualified person also fails to receive the advice and consent of the corporate authorities, then the Mayor or acting Mayor, without the advice and consent of the corporate authorities, may make a temporary appointment from those persons who were appointed but whose appointments failed to receive the advice and consent of the corporate authorities. The person receiving the temporary appointment shall serve until an appointment has received the advice and consent and the appointee has qualified or until a person has been elected and has qualified, whichever first occurs.

**1-2-45**      **ELECTION TO FILL VACANCIES IN MUNICIPAL OFFICES WITH FOUR (4) YEAR TERMS.** If a vacancy occurs in an elective municipal office with a **four (4) year term** and there remains an unexpired portion of the term of at least **twenty-eight (28) months**, and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, then the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the City Clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If a vacancy occurs with less than **twenty-eight (28) months** remaining in the unexpired portion of the term or less than **one hundred thirty (130) days** before the general municipal election, then:

(A)      **Mayor.** If the vacancy is in the office of Mayor, the vacancy must be filled by the corporate authorities electing one of their members as acting Mayor. Except as set forth in **Section 1-2-43**, the acting Mayor shall perform the duties and possess all the rights and powers of the Mayor until a Mayor is elected at the next general municipal election and has qualified.

(B)      **Alderman.** If the vacancy is in the office of Alderman, the vacancy must be filled by the Mayor or acting Mayor, as the case may be, in accordance with **Section 1-2-44**.

(C)      **Other Elective Office.** If the vacancy is in any elective municipal office other than Mayor or Alderman, the Mayor or acting Mayor, as the case may be, must appoint a qualified person to hold the office until the office is filled by election, subject to the advice and consent of the City Council, as the case may be.

**1-2-46**      **VACANCIES DUE TO ELECTION BEING DECLARED VOID.** In cases of vacancies arising by reason of an election being declared void pursuant to **Section 1-2-42(C)**, persons holding elective office prior thereto shall hold office until their successors are elected and qualified or appointed and confirmed by advice and consent, as the case may be.

**(See 65 ILCS 5/3.1-10-50)**

**1-2-47 - 1-2-49**      **RESERVED.**

## **DIVISION VI - MAYOR**

**1-2-50**        **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until a successor is elected and has qualified. **(See 65 ILCS 5/3.1-15-5 and 5/3.1-15-10)**

**1-2-51**        **MAYOR PRO-TEM; TEMPORARY CHAIRMAN.**

(A)            If the Mayor is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as Mayor pro tem. The Mayor pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor but shall not be entitled to vote both as Mayor pro tem and as an alderman.

(B)            In the absence of the Mayor, or Mayor pro tem, the corporate authorities may elect one of their members to act as a temporary chairman. The temporary chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as alderman on any ordinance, resolution, or motion. **(See 65 ILCS 5/3.1-35-35)**

**1-2-52**        **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the City and shall see to the enforcement of all laws and ordinances. The Mayor shall preside over the meetings of the City Council and perform such duties as may be required of him by statute or law. The Mayor shall have supervision over all of the executive officers and City employees; provided, however, his or her control is subject to the power of the City Council to prescribe the duties of various officers and employees. The Mayor shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to City affairs and kept by any officer of the City. **(See 65 ILCS 5/3.1-15-10 and 3.1-35-20)**

**1-2-53**        **MAYOR'S SIGNATURE.** The Mayor shall sign all City warrants, commissions, permits and licenses granted by authority of the City Council, except as otherwise provided, and such other acts and deeds as law or ordinance may require his or her official signature.

The Mayor may designate another to affix his or her signature to any written instrument that requires the Mayor's signature. The Mayor must send written notice of this designation to the City Council stating: (1) the name of the person whom he or she has selected, and (2) what instrument the person will have authority to sign.

A written signature of the Mayor executed by the person so designated with the signature underneath the signature of the person so designated shall be attached to the notice. The notice with the signature attached shall be recorded in the journal of the City Council and then filed with the City Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument, in all respects, shall be as binding on the City as if signed by the Mayor in person. **(See 65 ILCS 5/3.1-35-30)**

**1-2-54**            **APPOINTMENT OF OFFICERS.**

(A)            **Appointed.** At the first annual meeting in May, the Mayor shall appoint, by and with the advice and consent of the City Council, all officers of the City whose election or appointment is not otherwise provided for, and said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality. **(See 65 ILCS 5/3.1-55-5)**

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

**1-2-55**            **SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS.**

The Mayor shall supervise the conduct of all officers of the City and see that they faithfully and efficiently discharge the duties of their respective offices. Except where otherwise provided by statute, the Mayor may remove any officer appointed by the Mayor under this Code, on any written charge, whenever the Mayor is of the opinion that the interests of the municipality demand removal. The Mayor shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than **five (5) days** nor more than **ten (10) days** after the removal. If the Mayor fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a **two-thirds (2/3) vote** of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. **(See 65 ILCS 5/3.1-35-10)**

**1-2-56**            **DESIGNATION OF OFFICERS' DUTIES.** Whenever there is a dispute as to the respective duties or powers of any appointed officer of the City, this dispute shall be settled by the Mayor, after consultation with the City Attorney; and the Mayor shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty.

**1-2-57**            **FORMAL OCCASIONS.** The Mayor shall act for and on behalf of the City on formal occasions and receptions, but in the absence or inability to attend any such function, the Mayor may select any other City officer to so act.

**1-2-58**            **GENERAL DUTIES.** The Mayor shall perform all the duties which are prescribed by law and shall take care that the laws and ordinances are faithfully executed.

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

**1-2-59      BUSINESS LICENSE COMMISSIONER.** The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law, with the advice and consent of the City Council.

**1-2-60      LOCAL LIQUOR COMMISSIONER.** The Mayor is hereby designated as Local Liquor Commissioner with all the powers to license and/or revoke any City liquor license according to State and City laws. **(See 235 ILCS 5/4-2)**

**1-2-61      HEALTH COMMISSIONER.** The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the City authority as prescribed by law.

**1-2-62      RESERVED. (Ord. No. 1457; 08-18-20)**

**1-2-63      DECIDING VOTE - MAYOR.** The Mayor shall preside at all meetings of the City Council. The Mayor shall not vote on any ordinance, resolution or motion, except:

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

In each instance specified, the Mayor shall vote. Nothing in this section shall deprive an Acting Mayor or Mayor Pro-tem from voting in his or her capacity as Alderman, but he or she shall not be entitled to another vote in his or her capacity as Acting Mayor or Mayor Pro-tem. **(See 65 ILCS 5/3.1-40-30)**

**1-2-64 - 1-2-65      RESERVED.**



## DIVISION VII - CITY CLERK

**1-2-66**      **ELECTED.** The Clerk shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until a successor is elected and has qualified. **(65 ILCS 5/3.1-15-5 and 5/3.1-30-5)**

**1-2-67**      **VACANCY.** Whenever there is a vacancy in the office of City Clerk, the office shall be filled by the Mayor with the advice and consent of the City Council for the remainder of the term. **(See Division V of this Chapter)**

**1-2-68**      **PUBLICATION OF ORDINANCES; COUNCIL MINUTES; RECORDS.**

(A)      **Ordinances.** The City Clerk shall cause all ordinances passed by the City Council and approved by the Mayor, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once **within thirty (30) days after passage**, in one (1) or more newspapers published in the City. **(65 ILCS 5/1-2-5)**

(B)      **Minutes; Records.**

(1)      **Open Meetings.** The City Clerk shall attend all meetings of the City Council, and shall keep in a suitable book to be styled "**The Journal of the City Council**," a full and faithful record of its proceedings. The City Clerk shall record and properly index in a book kept for that purpose all ordinances passed by the City Council, and at the foot of the record of each ordinance so recorded, he or she shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance. **(65 ILCS 5/3.1-35-90)**

(2)      **Closed Meetings.** The Clerk shall prepare and preserve the minutes of closed meetings according to the provisions of the Closed Meetings Act. At least twice a year, corporate authorities shall meet to review minutes of all closed sessions and make a public statement as to whether there is still a need to maintain such matters in confidence, whether minutes or portions of minutes from closed meetings no longer require confidential treatment and are available for public inspection. **(5 ILCS 120/2.06)**

(C)      **Bonds.** The Clerk shall record in proper books for the purpose, all official bonds and notes upon each bond so recorded, when the same was entered of record, and the book and pages where recorded. **(65 ILCS 5/3.1-35-110)**

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

**1-2-69**        **DELIVERY OF PAPERS TO OFFICERS.** The Clerk shall deliver to the several committees of the City Council, and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefore. He or she shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders, and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. **(65 ILCS 5/3.1-35-90)**

**1-2-70**        **PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES.** The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him or her under this Code, and shall attest the same with the corporate seal, and he or she shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City.

**1-2-71**        **REPORT OF LICENSES.** The Clerk shall report to the City Council at its regular meeting(s) each month, and more often if the Council so requires, the data contained in his or her license register with respect to licenses issued during the previous month.

**1-2-72**        **DELIVERY OF LICENSES.** In all cases where the City requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to deliver such plates, tags, or stickers to the person paying the license fee.

**1-2-73**        **ADMINISTRATION OF OATHS.** The City Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(65 ILCS 5/3.1-15-20)**

**1-2-74**        **SUCCESSOR.** The City Clerk shall carefully preserve in his or her office, all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to the office and not in actual use and possession of other City officers; and upon the expiration of his or her official term, the Clerk shall deliver all such books, records, papers and effects to the successor in office.

**1-2-75**        **NOTIFICATION TO PERSONS APPOINTED TO OFFICE.** Within **five (5) days** after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

**1-2-76**        **OTHER DUTIES.** In addition to the foregoing duties, the Clerk shall perform all other duties pertaining to the office, as are or may be imposed upon the office by law or resolution, or ordinance of the City Council. **(65 ILCS 5/3.1-10-40)**

**1-2-77**      **DEPUTY CLERK.** The City Clerk, when authorized by the City Council, may appoint no more than **two (2)** Deputy Clerks who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the City thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word, "**By**" and the Deputy Clerk's name and the words, "**Deputy Clerk**".

The powers and duties herein described shall be executed by such Deputy Clerk only when the City Clerk is not present in the City Clerk's office in the City Hall, and only when either written direction has been given by the City Clerk to such Deputy Clerk to exercise such power, or the City Council has determined by Resolution that a Deputy Clerk shall act on behalf of the City Clerk where the City Clerk is not available to act on behalf of the City, or where the City Clerk is temporarily or permanently incapacitated to perform such functions. **(Ord. No. 1388; 02-06-18) (65 ILCS 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)**

**[Unless Otherwise Noted; this Division Ord. No. 1350; 09-06-16)**

**1-2-78 - 1-2-82**      **RESERVED.**

## DIVISION VIII - CITY TREASURER

**1-2-83**      **FINANCE COMMITTEE.** The standing committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

**1-2-84**      **TREASURER ELECTED; VACANCY.** The Treasurer shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until a successor is elected and has qualified. All vacancies shall be filled in the manner prescribed in **Division V** of this Chapter. **(See 65 ILCS 5/3.1-30-5)**

**1-2-85**      **MONEY; WARRANTS; ACCOUNTS; PAYMENTS.** The City Treasurer shall receive all monies belonging to this City and shall pay all warrants signed by the Mayor and countersigned by the City Clerk and not otherwise; and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. The Treasurer shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment, and upon what account paid, and shall file copies of such receipts with the Clerk with the monthly reports. **(See 65 ILCS 5/3.1-35-40)**

**1-2-86**      **WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid, showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid; and the Treasurer shall cancel all warrants as soon as they are redeemed. **(See 65 ILCS 5/3.1-35-40 and 5/3.1-35-45)**

**1-2-87**      **PERSONAL USE OF FUNDS.** The City Treasurer shall keep all money belonging to the Municipality and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Municipality's monies or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. **(See 65 ILCS 5/3.1-35-55)**

**1-2-88**      **BOND.** The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than one and one-half times the largest amount which the Council estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the City, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. **(See 65 ILCS 5/3.1-10-45)**

**1-2-89**        **SPECIAL ASSESSMENTS.** The Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto. **(See 65 ILCS 5/3.1-35-85)**

**1-2-90**        **BOOKKEEPING.** The Treasurer shall keep the books and accounts in such a manner as to show with accuracy, all monies received and disbursed for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of the office shall be, at all times, open to examination by the Mayor or the Finance Committee of the Council. **(See 65 ILCS 5/3.1-35-40)**

**1-2-91**        **STATEMENTS.** The Treasurer shall report to the corporate authorities at the regular monthly meeting, a full and detailed account of all receipts and expenditures of the municipality as shown by his books up to the time of the report. **(See 65 ILCS 5/3.1-35-45)**

**1-2-92**        **REPORT DELINQUENT OFFICERS.** It shall be the duty of the Treasurer to report to the City Clerk any officer of the City authorized to receive money for the use of the City who may fail to make a return of the monies received by the Treasurer at the time required by law or by ordinances of the City.

**1-2-93**        **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the City Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this section. The Treasurer shall show the following in such account:

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

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

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

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

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

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

**1-2-94      SUBMIT APPROPRIATION TO CITY COUNCIL.** The Treasurer shall on or before the **fifteenth (15th) day of May in each year**, and before the annual appropriations to be made by the City Council, submit to the City Council a report of the estimates as nearly as may be of monies necessary to defray the expenses of the corporation during the current fiscal year. The Treasurer shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, the Treasurer is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

The Treasurer shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report, shall give such other information to the City Council as he or she may deem necessary to the end that the City Council may fully understand the money exigencies and demands upon the corporation for the current year. **(See 65 ILCS 5/3.1-35-115)**

**1-2-95      DEPOSIT OF FUNDS.**

(A) **Designation by Council.** The Treasurer is hereby required to keep all funds and monies in his or her custody belonging to the City in such places of deposit as have been designated by **Section 1-2-95(F)**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the City in the custody of the Treasurer. When a bank or savings and loan association has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the Village Treasurer of that fact in writing at least **five (5) days** before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money that the Treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

(B) The Village Treasurer may require any bank or savings and loan association to deposit with the Treasurer securities or mortgages that have a market value at least equal to the amount of the funds or monies of the municipality deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation.

(C) The Village Treasurer may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of municipal funds.

- (D) Each Village Treasurer may:
- (1) combine monies from more than one fund of a single municipality for the purpose of investing those funds and;
  - (2) join with other municipal treasurers or municipalities for the purpose of investing the municipal funds of which the Treasurer has custody.

**Joint investments shall be made only in investments authorized by law for the investment of municipal funds. When monies of more than one fund of a single municipality or monies of more than one municipality are combined for investment purposes, the monies combined for that purpose shall be accounted for separately in all respects and the earnings from investments shall be separately and individually computed, recorded, and credited to the fund or municipality, as the case may be, for which the investment was acquired.**

(E) No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established by Section 6 of the Public Funds Investment Act. **(See 65 ILCS 5/3.1-35-50 and 30 ILCS 235/6)**

(F) The following bank(s) are herewith designated as places of deposit where the Treasurer of the City is required to keep all funds and monies in his custody belonging to this municipality:

- (1) First Bank, Breese, Illinois.
- (2) Germantown Trust and Savings, Germantown, Illinois.
- (3) Community Bank of Trenton.
- (4) Tempo Bank, Breese, Illinois
- (5) State of Illinois Public Treasurer Investment Pool (IPTIP).

**1-2-96 - 1-2-97 RESERVED.**

## DIVISION IX - JUDICIARY

**1-2-98**      **APPOINTMENT OF ATTORNEY.** The Attorney shall be appointed by the Mayor, by and with the advise and consent of the City Council for the term of **one (1) year**, unless sooner removed for cause, and until a successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the City and shall be known as the City Attorney, and shall receive reasonable fees for services rendered when, in his or her judgment, or in the judgment of the Mayor or City Council, the same are necessary or are for the best interests of the City. **(See 65 ILCS 5/3.1-30-5)**

**1-2-99**      **DUTIES.**

(A)      **Prosecute for City.** The City Attorney shall prosecute or defend on behalf of the City in all cases in which the interests of the corporation or any officer thereof are involved; and the City Clerk shall furnish him or her with certified copies of any ordinance, bond or paper in keeping necessary to be filed or used in any suit or proceedings.

(B)      **Preparation of Ordinances.** The Attorney shall, when required, advise the City Council or any officer in all matters of law in which the interests of the corporation are involved, and shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required by the Mayor, the City Council, or any committee thereof.

(C)      **Judgments.** The Attorney shall direct executions to be issued upon all judgments recovered in favor of the City, and shall direct their prompt service. The Attorney shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the City therefore.

(D)      **Violations of Ordinances.** The Attorney 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.

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

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

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

**1-2-100 - 1-2-104**

**RESERVED.**



**DIVISION X - CODE ENFORCEMENT OFFICER  
(ZONING ADMINISTRATOR)**

**1-2-105      CREATION OF OFFICE.** There is hereby created the executive position of Zoning Administrator, which officer and organizational personnel shall be appointed by the Mayor, with the advice and consent of the City Council. He shall also serve as the Building Inspector, Flood Plain Inspector, and as the Code Enforcement Officer.

**1-2-106      DUTIES.** The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code as amended from time to time, and is in effect in accordance with the powers and duties therein set forth, and in furtherance of such authority shall:

(A)            Issue all building permits and zoning certificates and make and maintain records thereof.

(B)            Issue all certificates of occupancy and make and maintain records thereof.

(C)            Issue "Temporary Certificates of Zoning Compliance" as authorized by the Zoning Code.

(D)            Conduct inspections of buildings, structures, and land to determine compliance with the Zoning Code and to notify, in writing, the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.

(E)            Order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by statute or by the Zoning Code to ensure compliance with or to prevent violation of the provisions.

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

(G)            Maintain permanent and current records of the Zoning Code including, but not limited to, all maps, amendments, special-use permits, planned building developments, variances, appeals, and applications therefor.

(H)            Provide and maintain a source of public information relative to all matters arising out of the Zoning Code.

(I)            Receive, file, and forward to the Plan Commission all applications for amendments, use variances and special-use permits, and other matters upon which the Plan Commission is required to act under the Zoning Code.

(J)            Receive, file, and forward to the Zoning Board of Appeals all applications for variances, appeals, and other matters upon which the Board is required to act under the Zoning Code.

(K)            Keep the Mayor and City Council advised of zoning activities by written report once each month, including statements of permits and certificates issued and orders promulgated.

(L)            The Zoning Administrator may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police in

enforcing orders, of the City Attorney in prosecuting violators, and of other City officials and officers.

(M) The Zoning Administrator shall perform other duties as a Code Enforcement Officer as prescribed by codes and laws of the City, and as may be specifically assigned to him by the City Council. Such codes and laws may include, but not be limited to, the Mobile Housing Code, the Subdivision Code, and the Building Code, as adopted and amended from time to time by the City Council.

**1-2-107 - 1-2-112**

**RESERVED.**

### **DIVISION XI - CITY ENGINEER**

**1-2-113 APPOINTMENT - DESIGNATED CODE ENFORCEMENT OFFICER AND BUILDING COMMISSIONER.** The Mayor, with the advice and consent of the City Council may appoint an Engineer for the City, who shall serve for the term of the Mayor, or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and the City Council.

**1-2-114 DUTIES - SALARY.** The Engineer for the City shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the City Council. He shall also examine all public works under his charge and see that the plans, estimates and specifications for the same are properly executed. He shall receive a salary as established in the annual budget.

**1-2-115 - 1-2-116**

**RESERVED.**

## **DIVISION XII – MANAGEMENT OF DEPARTMENT OF PUBLIC WORKS**

**1-2-117**        **UTILITIES PLANT OPERATIONS MANAGER.** There is hereby created the office of the Utilities Plant Operations Manager, who shall be appointed by the Mayor with the advice and consent of the City Council.

**1-2-118**        **DUTIES OF UTILITIES PLANT OPERATIONS MANAGER.** The Utilities Plant Operations Manager shall be responsible for managing, directing, planning, and supervising activities of the public utilities plants (electric, water, wastewater and electric distribution system), contributing to the administration of the Public Works Department, including planning capital improvements, department budget, and engineering the designs/specifications for all capital projects. The Utilities Plant Operations Manager shall work with the Public Works Manager and the City Business Administrator in the management of the Department of Public Works and shall perform such other duties as directed by the Mayor. The Utilities Plant Operations Manager shall serve at the pleasure of the Mayor.

**1-2-119**        **PUBLIC WORKS MANAGER.** There is hereby created the office of Public Works Manager, who shall be appointed by the Mayor with the advice and consent of the City Council.

**1-2-120**        **DUTIES OF PUBLIC WORKS MANAGER.** The Public Works Manager shall be responsible for managing, directing, planning and supervising activities of the Water Treatment Plant, Water Distribution System, Wastewater Treatment Plant, and Sewage Collection System. The Public Works Manager shall manage and direct the Electric Operations Manager and the Street and Drainage Supervisor. The Public Works Manager shall contribute to the administration of the Public Works Department, including planning capital improvements, department budget, and engineering the designs/specifications for all capital projects. The Public Works Manager shall advise the Mayor and the Council of matters pertaining to Public Works activities within the City and shall perform such other duties as directed by the Mayor. The Public Works Manager shall report to and serve at the direction of the Mayor.

**1-2-121**        **CREATION OF POSITION OF STREET AND DRAINAGE SUPERVISOR.** There is hereby created the position of Street and Drainage Supervisor. The Street and Drainage Supervisor, who shall be appointed by the Mayor with the advice and consent of the City Council.

**1-2-122**        **DUTIES OF STREET AND DRAINAGE SUPERVISOR.** The Street and Drainage Supervisor, under the supervision of the Public Works Manager, shall be responsible for managing, directing, planning and supervising the overall operations of the Street and Drainage Department. The Street and Drainage Supervisor shall participate in the development and implementation of the department and capital budgets. The Street and Drainage Supervisor shall advise the Mayor and the Council of matters pertaining to activities of the Street Department within the City and shall perform such other duties as directed by the Mayor. The Street and Drainage Supervisor shall report to and serve at the direction of the Mayor.

**1-2-123**        **CREATION OF POSITION OF ELECTRIC OPERATIONS MANAGER.** There is hereby created the position of Electric Operations Manager, who shall be appointed by the Mayor with the advice and consent of the City Council.

**1-2-124**        **DUTIES OF THE ELECTRIC OPERATIONS MANAGER.** The Electric Operations Manager, under the supervision of the Public Works Manager shall be responsible for managing, directing, planning, maintenance, supervising and the overall operations of the Electric Department consisting of the power generating plant, transmission, distribution, substations, metering, engineering, and project management of the electric system. Participates in the development and implementation of department and capital budgets. The Electric Operations Manager shall advise the Mayor and the Council of matters pertaining to Electric Operations and shall perform such other duties as directed by the Mayor. The Electric Operations Manager shall report to and serve at the direction of the Mayor.

**(Ord. No. 1538; 05-02-23)**

## **DIVISION XIII – CITY BUSINESS ADMINISTRATOR**

### **1-2-125      CREATION OF POSITION OF CITY BUSINESS ADMINISTRATOR.**

There is hereby created the office of City Business Administrator, who shall be appointed by the Mayor with the advice and consent of the City Council.

**1-2-126      DUTIES OF CITY BUSINESS ADMINISTRATOR.** The City Business Administrator shall coordinate and assist with the planning, organization, monitoring and analysis of the business activities of the City of Breese and its Departments, including contracting, Tax Increment Financing, Grant Writing, and Economic Development. The position shall coordinate business activities, with City Departments, staff and outside agencies and coordinate project efforts with department superintendents and assistants as they pertain to City business matters; and, working with the City Collector, coordinate the development and analysis of the City budget. The Business Administrator shall develop fiscal control systems as well as review and monitor budget activities. The City Business Administrator shall oversee the fiscal management of the City Golf Course and City Ambulance Department. The City Business Administrator shall coordinate and provide financial reporting to the City Auditors and the Treasurer. The City Business Administrator shall advise the Mayor and the Council of matters pertaining to the business activities of the City and shall perform such other duties as directed by the Mayor. The City Business Administrator shall report to and serve at the direction of the Mayor.

### **1-2-127 - 1-2-129      RESERVED.**

**(Ord. No. 1522; 08-16-22)**

## **DIVISION XIV - CITY HALL COMMITTEE**

**1-2-130      DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the City, which shall be known as the City Hall Department. It shall embrace the City Council standing committee on City Hall and such employees as may, from time to time, be employed in the service of the department.

**1-2-131      COMMITTEE ON CITY HALL.** The City Council standing committee on City Hall shall exercise a general supervision over the affairs of the department. It shall ascertain the condition and needs thereof, shall from time to time, report the same to the Mayor and City Council, so that a full understanding thereof shall be had, and generally, shall do all acts necessary to promote the efficiency of the department.

### **1-2-132 - 1-2-133      RESERVED.**

## **DIVISION XV – CITY COLLECTOR**

**1-2-134**     **APPOINTED.** There is hereby created the office of City Collector. The City Collector shall be appointed by the Mayor by, and with the advice and consent of the City Council.

**1-2-135**     **DUTIES.**

(A)           The City Collector shall preserve all warrants returned to him or her, and he or she shall keep his or her books and accounts in the manner that the City Council may prescribe.

(B)           All of the City Collector’s warrants, books, and vouchers, and all papers pertaining to his or her office may be examined at any time by the Mayor, or any member or committee of the City Council.

(C)           The City Collector shall pay weekly to the City Treasurer all moneys collected by him or her from any source whatever, taking the City Treasurer’s receipt therefore in duplicate and filing **one (1)** of the receipts immediately with the Mayor.

(D)           Except as otherwise directed by the Mayor, the City Collector shall have the duties of the “Comptroller” as described in the Illinois Municipal Code from time to time and such other duties as directed by the Mayor or the City Council. The City Collector shall be the *ex officio* City Comptroller.

(E)           The Mayor, with the advice and consent of the City Council may, at his discretion, appoint the City Clerk to the position of City Collector.

**1-2-136**     **RESERVED.**

**(Ord. No. 1350; 09-06-16)**

## **ARTICLE III - WARDS**

**1-3-1**       **WARD BOUNDARIES.**

(A)           **Ward 1** consists of the land within the City limits North of the CSX Railroad and South of North 6<sup>th</sup> Street including the Breese Elementary School District #12, Becker Business Park, Clinton County Rehabilitation Center, Inc. and Prairie Estates properties.

(B)           **Ward 2** consists of the land within the City limits located South of the CSX Railroad.

(C)           **Ward 3** consists of the land within the City limits located East of the Breese-Jamestown Road, a/k/a Walnut Street and North of North 6<sup>th</sup> Street.

(D)           **Ward 4** consists of the land within the City limits located West of the Breese-Jamestown Road, a/k/a Walnut Street and North of North 6<sup>th</sup> Street as designated on the Breese Zone District Map.

**(Ord. No. 1016; 07-24-01)**

**1-3-2 - 1-3-3**     **RESERVED.**

## ARTICLE IV - SALARIES

### 1-4-1 SALARIES OF OFFICIALS.

(A) Mayor. The salary of the Mayor shall be **Ten Thousand Dollars (\$10,000.00)** per year. **(Ord. No. 1457; 08-18-20)**

(B) City Treasurer. The salary of the City Treasurer shall be **Three Thousand Dollars (\$3,000.00)** per year.

(C) City Clerk. The salary of the City Clerk shall be **Six Thousand Dollars (\$6,000.00)** per year. **(Ord. No. 1351; 09-06-16)**

### (D) Aldermen.

(1) Regular, Special or Finance Meeting. Aldermen shall be paid per diem at the rate of **One Hundred Dollars (\$100.00)** per regular meeting, special meeting or finance meeting.

(2) Committee Meetings. Aldermen shall also be paid a stipend in the amount of **Twenty Dollars (\$20.00)** for each committee meeting actually attended, not to exceed **five (5) meetings** in **one (1) month.**

(E) Per Diem for Certain Out of Town Meetings. Elected officials shall be paid an additional per diem of **Seventy-Five Dollars (\$75.00)** per day for each meeting actually attended in performance of their duties for the City of Breese, which is held outside the City limits of the City of Breese and lasts more than **three (3) hours** exclusive of travel time or which requires an overnight stay.

Subparagraphs (D)(2) and (E) herein shall become effective for each respective elected official only after he or she is elected and seated following any election held after the date this Article is adopted and only after the commencement of that new term.

**(Ord. No. 1205; 02-02-10)**

**(See 65 ILCS 5/3.1-50-5; 5/3.1-50-10; 5/3.1-50-15)**

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

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

## **ARTICLE V - MANAGEMENT ASSOCIATION**

**1-5-1**        **PARTICIPATION.** The City Council does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the Mayor and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of **one (1) year** beginning the date the Association commences providing risk coverage to its members and each year thereafter unless this ordinance is repealed.

**1-5-2**        **CONTRIBUTION.** Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's first year contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the City, and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of the Association.

**(Ord. No. 1525; 11-15-22)**

## **ARTICLE VI – MEETING PROCEDURES**

### **DIVISION I – RECORDING CLOSED MEETINGS**

**1-6-1      RECORDING CLOSED SESSIONS.** The City shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the City or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

**1-6-2      RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS.** The City Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the City Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the City Council. Each subsidiary public body of the City shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the City Clerk with a copy of such recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the City and all subsidiary public bodies of the City.

**1-6-3      CLOSED SESSION MINUTES.** In addition to the recordings of the closed and executive session as addressed in this Division, the City will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

**1-6-4      PROCEDURE FOR RECORDING.** At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

**1-6-5      BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION.** The City shall maintain sufficient tapes, batteries and equipment for the City to comply with this Division. The City Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.



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

**1-6-7**            **MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES.** The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the corporate authorities may listen to the closed session recordings in the presence of the City Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the City Council.

**1-6-8**            **PROCEDURE FOR DESTRUCTION OF RECORDINGS.** The City Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

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

**1-6-9 - 1-6-10**    **RESERVED.**

## **DIVISION II – REMOTE MEETING PARTICIPATION**

**1-6-11      STATUTORY AUTHORITY FOR PARTICIPATION.** Pursuant to Public Act 94-1058 which amends the Open Meetings Act in **5 ILCS 120/7**, this municipality does hereby establish a policy that permits members of the corporate body to attend meetings by means other than physical presence.

**1-6-12      DEFINITION OF MEETING.** The term “meeting” shall mean “any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business” or such other definition as shall be contained within the state statutes.

**1-6-13      AMENDMENT OF PREVIOUS TERMS.** The definition of “meeting” set forth in **Section 1-6-12** shall supersede and replace any other definition used in any previous or existing ordinance.

**1-6-14      REMOTE PARTICIPATION POLICY.** The City hereby adopts the Remote Participation Policy, as outlined in Addendum “A”, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.

## ADDENDUM "A"

### GOVERNMENTAL UNIT REMOTE ATTENDANCE POLICY

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

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

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

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

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

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

**ADDENDUM "B"**

**NOTICE OF REQUEST FOR PLACEMENT UPON CITY COUNCIL AGENDA**

I, \_\_\_\_\_ (name), do hereby request placement upon the agenda of the City Council's regularly scheduled meeting on \_\_\_\_\_ (date) to address the Council with regards to:

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(short explanation of proposed business)

Dated this \_\_\_\_\_ (day) of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

Sincerely,

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Please keep in mind that pursuant to Section 1-2-13 that establishes rules governing the address of the City Council, all remarks must be kept to a maximum of five minutes, shall be addressed to the City Council, and shall not be disruptive to the business of the Council. The Mayor is empowered to remove individuals from any meeting should they fail to adhere to the rules regarding address of the Council.

**ADDENDUM "C"**

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

NAME OF APPLICANT: \_\_\_\_\_

NAME OF COMPANION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ CELL NO.: \_\_\_\_\_

DATE OF NEEDED AUXILIARY AID OR SERVICE: \_\_\_\_\_

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

\_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_



**EXHIBIT "A"**

**CITY OF BREESE**

**TRAVEL, MEAL, AND LODGING EXPENSE REIMBURSEMENT FORM**

NAME OF OFFICIAL OR EMPLOYEE \_\_\_\_\_

TITLE/POSITION OF OFFICIAL OR EMPLOYEE \_\_\_\_\_

NAME AND DATE OF ACTIVITY/EVENT \_\_\_\_\_

DESCRIPTION OF THE PURPOSE OF THE EXPENSE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REIMBURSEMENT EXPENSE (ESTIMATED COSTS OR ACTUAL COSTS WITH RECEIPTS, IF APPLICABLE)**

Mileage \_\_\_\_\_ Meals \_\_\_\_\_

Parking \_\_\_\_\_ Hotel/Lodging \_\_\_\_\_

Car Rental \_\_\_\_\_ Airfare \_\_\_\_\_

Other Transportation (bus, train, taxi, shuttle, etc.) \_\_\_\_\_

\_\_\_\_\_

Employee's/Officer's Signature \_\_\_\_\_

Date \_\_\_\_\_

Mayor's Signature \_\_\_\_\_

**ATTACH ALL RECEIPTS**

## **EXHIBIT "B"**

### **CITY OF BREESE**

#### **TRAVEL, MEAL, AND LODGING EXPENSE REIMBURSEMENT POLICY**

The City has put the following procedures and guidelines in place in order for City Elected and Appointed Officials, and Employees to be reimbursed for travel expenses incurred. An Estimated Travel Expense form must be submitted prior to travel, unless exigent circumstances prevent pre-approval. Once travel is completed, all receipts must be submitted along with the final Travel Expense Reimbursement request. All receipts must provide the detail of what was purchased. The following expenses must be approved by a roll-call vote of the City Council:

- A. All travel expenses that exceed the maximum allowable reimbursement for travel, meal, and lodging expenses as set forth in the Policy Statement;
- B. All travel expenses for any member of the City Council.

Employees and officers and City Officials are expected to exercise the same care in incurring expense for official business as a prudent person would in spending personal funds. Officials and employees are expected to exercise good judgment and proper regard for public funds when incurring business and travel expenses.

#### **1. ALLOWABLE TRAVEL**

Travel is allowed for the following:

- A. To attend the following conferences: IML, IMUA, IMEA, ITIA, EDC-Mid-America Economic Development Council, Newly Elected Officials Conference (every two years after election), and City Clerk's Conference.
- B. Training sessions, classes, education pertaining to the business of the City.
- C. To expand knowledge pertaining to the management of the City's business, governing, or public services through any state or nationally recognized organization.
- D. To attend meetings, conferences or organizations with professionals which further the interests of the City.

#### **2. OUT OF TOWN TRAVEL**

Prior to planning out of town travel, a Pre-approved Travel form needs to be completed and approved by a Supervisor. Costs of travel must be estimated for: registration, mileage, meals (including tip), hotel, airfare, and other travel costs. If at all possible, these figures should be provided during budget preparation.

Reimbursement shall be made to the employee, officer or official after a Travel Expense Report is submitted to the supervisor along with the detailed receipts. In the event that approval is required by roll-call vote of the Council, then this step must be completed prior to reimbursement.



3. **MEALS AND HOTEL REIMBURSEMENT**

The City has approved a maximum expense for hotel at \$350.00 per night. However, employees and officials are to be mindful to make all effort to keep their hotel expenses below this maximum per night amount. If travel includes attendance at a conference, then the employee or official is to make every effort to stay at the hotel in which the conference is being held while using the special conference rate (or lowest available rate at the hotel). The employee or official is to reserve a standard single room at the conference or discount rate. If there are no rooms available at the location of the conference, then the employee or official is to book a hotel in close proximity to the location of the conference at a rate comparable to the lowest rate offered for conference attendees at the conference location.

Employees or officials traveling on City business shall have a maximum meal budget in the amount of \$100.00 per day. Alcoholic beverages will not be reimbursed. Employees and officials shall make every effort to keep their meal reimbursement requests at below this maximum amount. The per day maximum amount cannot be carried forward to a subsequent day. The maximum amount shall not include gratuity. Gratuity shall not exceed a tipping rate of 15-20% of total food and beverage bill (exclusive of alcohol which shall be billed separately and not be subject to reimbursement request).

4. **MILEAGE REIMBURSEMENT**

The City shall reimburse mileage based upon the IRS standard mileage rate.

5. **AIRFARE**

Employees or officials are expected to obtain the lowest available airfare that reasonably meets the business travel needs. Travelers are encouraged to book flights at least thirty (30) days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with his or her personal funds.

6. **RENTAL CARS, TAXIS, UBERS, OTHER TRANSPORTATION, PARKING**

Travelers will be reimbursed for the cost of renting an automobile, including gasoline expense, only as limited in this Section. Travelers using rental cars to conduct official business are required to purchase insurance through the rental agency. Compact or mid-sized cars are required for two or fewer employees or officials traveling together, and a full sized vehicle may be used for three or more travelers. The traveler must refuel the vehicle before returning it to the rental company.

The traveler should use hotel shuttle service if available. Taxis/Uber/etc. may be used for transportation from the hotel to the conference (if necessary), from the hotel to restaurants and events associated with the conference, from airport or train station to hotel, and vice versa. Employee or official is to keep receipts of all such payments, including gratuity.

The City shall reimburse overnight parking expenses for the hotel with a receipt.

7. **ENTERTAINMENT EXPENSES**

Per statute **(50 ILCS 150/25)**, the City may not reimburse any employee or official for any entertainment expenses. Entertainment includes, but is not limited to, shows, amusements, theaters, sporting events or any other place of public or private entertainment unless ancillary to the purposes of the program or event attended.