

1. ADMINISTRATION

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ADMINISTRATION

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CHAPTER 1
VIRDEN CITY CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Jurisdiction
- 1-1-5: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the City Council, this Code is hereby declared to be and shall hereafter constitute the official City Code of Virden. This Code shall be known and cited as the *VIRDEN 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 of this chapter under the direction of the City Attorney, acting for the 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 title headings and to the general penalty clause relating thereto as well as to the section itself when reference is made to this Code by title in any legal document. (2008 Code § 1-1-1; amd. 2019 Code)

1-1-2: **ACCEPTANCE:** This 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 1-2-1 of this title. (2008 Code § 1-1-2)

1-1-3: **AMENDMENTS:** Any ordinance amending this Code shall set forth the title, chapter, and section numbers 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 Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifier, and the ordinance

material shall be prepared for insertion in its proper place in each copy of this Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this Code. (2008 Code § 1-1-3; amd. 2019 Code)

1-1-4: **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. (2008 Code § 1-1-5)

1-1-5: **CODE ALTERATIONS:**

- A. 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 City Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the Office of the Clerk.
- B. Any person having in his custody an official copy of this Code shall make every effort to maintain this 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 City Clerk upon termination of office or separation of duties. (2008 Code § 1-1-4)

CHAPTER 2
SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Court Proceedings
- 1-2-3: Severability Clause

1-2-1: **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:

- A. Tax Levy Ordinances;
- B. Appropriation Ordinances;
- C. Ordinances relating to boundaries and annexations;
- D. Franchise Ordinances and other ordinances granting special rights to persons or corporations;
- E. Contract Ordinances and ordinances authorizing the execution of a contract or the issuance of warrants;
- F. Salary Ordinances;
- G. Ordinances establishing, naming, or vacating streets, alleys, or other public places;
- H. Improvement Ordinances;
- I. Bond Ordinances;

- J. Ordinances relating to elections;
- K. Ordinances relating to the transfer or acceptance of real estate by or from the City; and
- L. All special ordinances. (2008 Code § 1-1-8)

1-2-2: **COURT PROCEEDINGS:**

- A. **Prior Acts:** 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.
- B. **Extend To All Repeals:** 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.
- C. **Current Pending Actions:** 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 provisions; 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. (2008 Code § 1-1-10)

- 1-2-3: **SEVERABILITY CLAUSE:** If any section, subsection, paragraph, sentence, clause or phrase of this Code, or any

codes or portions of codes adopted herein by reference, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any codes or portions of codes adopted herein by reference. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2019 Code)

CHAPTER 3

DEFINITIONS; INTERPRETATION

SECTION:

- 1-3-1: General Rules Of Interpretation
- 1-3-2: General Definitions
- 1-3-3: Catchlines

1-3-1: GENERAL RULES OF INTERPRETATION:

- A. **Liberal Construction:** All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Corporate Authorities may be fully carried out.
- B. **Minimum Requirements:** In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety and general welfare.
- C. **Delegation Of Authority:** Whenever a provision appears requiring the head of a department or some other City officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.
- D. **Gender:** The use of any gender based pronoun should not be construed to be gender biased, but is only used for grammatical simplicity.
- E. **May; Shall:** The word "may" is permissive; the word "shall" is mandatory.
- F. **Nontechnical And Technical Words:** Words and phrases shall be construed according to the common and approved usage of the

language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

- G. Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- H. Officers And Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the City of Virden".
- I. Tense: Words used in the past or present tense include the future as well as the past and present. (2019 Code)
- J. 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 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 subsection. (2008 Code § 1-1-16)
- K. Ordinance: The word "ordinance" contained in the ordinances of the City has been changed in the content of this Code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to City ordinances is not meant to amend passage and effective dates of such original ordinances. (2019 Code)

1-3-2: **GENERAL 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:

- CITY: The City of Virden, Counties of Macoupin and Sangamon, State of Illinois.
- CITY COUNCIL;
COUNCIL: The Council of the City of Virden, Illinois, consisting of the Mayor and Aldermen.
- CODE OR THIS CODE: The City Code of the City of Virden.

CORPORATE AUTHORITIES:	The Mayor and Aldermen of the City of Virden.
COUNTY:	The Counties of Macoupin and Sangamon, State of Illinois.
FISCAL YEAR:	The fiscal year for the City shall begin on May 1 of each year and end on April 30 of the following year.
ILCS:	Illinois Compiled Statutes.
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.
PERSON:	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.
STATE OR THIS STATE:	Unless otherwise indicated, the State of Illinois. (2008 Code §§ 1-1-16, 1-2-30; amd. 2019 Code)

1-3-3: **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. (2008 Code § 1-1-17)

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Aiding In, Causing An Offense
- 1-4-3: Application Of Provisions
- 1-4-4: Nonliability Of Officers And Employees

1-4-1: GENERAL PENALTY:

- A. **Fine; Imprisonment:** Unless specifically provided elsewhere in this Code, any person found to have been in violation of any of the terms and provisions of this Code shall be fined in an amount not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for any one offense. Each day that a violation continues shall be deemed to be a separate offense.
- B. **Additional Penalties:** In addition to the fine described in subsection A of this section, the Circuit Court may impose a period of "conditional discharge", as defined in 730 Illinois Compiled Statutes 5/5-1-4, or "court supervision", as defined in 730 Illinois Compiled Statutes 5/5-1-21, for a period of up to six (6) months, an order of restitution, an order to perform community service, an order to complete an education program and/or any other appropriate penalties or conditions authorized in any section of this Code or stand alone ordinance or any conditions for conditional discharge set forth in 730 Illinois Compiled Statutes 5/5-6-3 or for court supervision in 730 Illinois Compiled Statutes 5/5-6-3.1, as the foregoing are amended from time to time.
- C. **Costs And Fees:** Any person violating the terms or provisions of this Code shall be subject, in addition to the penalties set out in this section, to the payment of court costs and reasonable attorney fees.

- D. **Default In Payment:** A default in the payment of a fine or any installment of a fine may be collected by any means authorized for the collection of monetary judgments. The City may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or installment of that fine. Any fees or costs incurred by the City with respect to attorneys or private collection agents retained by the City Attorney under this subsection shall be charged to the offender.
- E. **Limitation; Compliance With Statute:** The provisions of subsection A of this section notwithstanding, no penalty shall be greater than that established by State Statute for the same offense. (2019 Code)

1-4-2: AIDING IN, CAUSING AN OFFENSE:

- A. Whoever commits an offense against the City or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.
- B. Whoever wilfully 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. (2008 Code § 1-1-20)

1-4-3: APPLICATION OF PROVISIONS:

- A. **Application Of Penalties:** The penalties provided in this chapter shall be applicable to every section of this 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 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 Code.
- B. **Acts Punishable Under Different Sections:** In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed, but not more than one 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. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this 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. (2008 Code § 1-1-23)

1-4-4: **NONLIABILITY OF OFFICERS AND EMPLOYEES:** 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 for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2019 Code)

CHAPTER 4

GENERAL PENALTY

ARTICLE A. CODE HEARING PROCEDURES

SECTION:

- 1-4A- 1: State Regulations Adopted; Conflicting Provisions
- 1-4A- 2: Definition
- 1-4A- 3: Code Hearing Department
- 1-4A- 4: Hearing Officer
- 1-4A- 5: Instituting Hearing Proceedings
- 1-4A- 6: Subpoenas; Defaults
- 1-4A- 7: Continuances; Representation At Hearing
- 1-4A- 8: Hearing Procedures
- 1-4A- 9: Findings, Decision And Order
- 1-4A-10: Procedures Not Exclusive

1-4A-1: **STATE REGULATIONS ADOPTED; CONFLICTING PROVISIONS:** Division 2.2 of article 1 of the Illinois Municipal Code, 65 Illinois Compiled Statutes 5/1-2.2-1 et seq., is hereby adopted and incorporated by reference. In the event of a conflict between division 2.2 and this article, division 2.2 shall control. Three (3) copies of the provisions adopted herein are on file in the Office of the City Office Manager for public use and inspection. (Ord. 2016-4, 6-16-2016; amd. 2019 Code)

1-4A-2: **DEFINITION:** As used in this article, unless the context requires otherwise, the word "Code" means any and all ordinances of the City except for: a) Building Code violations that must be adjudicated pursuant to 65 Illinois Compiled Statutes 5/11-31.1-1 et seq., pertaining to demolition of unsafe buildings; b) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under section 6-204 of the Illinois Vehicle Code. (Ord. 2016-4, 6-16-2016)

1-4A-3: CODE HEARING DEPARTMENT:

- A. Department Established: The City hereby establishes a Code Hearing Department as a separate and independent agency in the City government.
- B. Function And Duties:
1. The function of the Hearing Department is to expedite the prosecution and correction of Code violations in the manner set forth in this article.
 2. The Code Hearing Department may adjudicate any violation of this Code.
- C. Supervision Of Department: The Code Hearing Department shall be supervised by the Mayor, and staff assistance shall be given by the City Office Manager. (Ord. 2016-4, 6-16-2016)

1-4A-4: HEARING OFFICER:

- A. Position Created; Appointment; Compensation; Qualifications:
1. The position of Hearing Officer is hereby created. The Hearing Officer shall be appointed by the Mayor, with the advice and consent of the City Council, and shall serve at the pleasure of the Mayor. The Hearing Officer shall be compensated at an hourly rate of two hundred dollars (\$200.00), plus expenses, and shall be an independent contractor.
 2. The Hearing Officer shall be an attorney licensed to practice law in the State of Illinois for at least three (3) years. Prior to conducting proceedings under this article, the Hearing Officer shall successfully complete a formal training program as prescribed by section 1-2.2-40 of the Illinois Municipal Code.
- B. Duties: The Hearing Officer shall have the duty to:
1. Preside at an administrative hearing called to determine whether or not a Code violation exists;
 2. Hear testimony and accept evidence from all interested parties relevant to the existence of a Code violation;

3. Preserve and authenticate the transcript, if any, and record of the hearing and all exhibits and evidence introduced at the hearing; and

4. Issue and sign a written finding, decision and order stating whether a Code violation exists. (Ord. 2016-4, 6-16-2016)

1-4A-5: INSTITUTING HEARING PROCEEDINGS:

- A. When a police officer or other individual authorized to issue a Code violation finds a Code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates: 1) the name and address of the defendant; 2) the type and nature of the violation; 3) the date and time the violation was observed; and 4) the names of witnesses to the violation.
- B. The violation report form shall be forwarded to the Code Hearing Department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than thirty (30) nor more than forty (40) days after the violation is reported.
- C. One copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be returned to the individual representing the City in the case so that he or she may prepare evidence of the Code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing. If the violation report form requires the respondent to answer within a certain amount of time, the City shall reply to the answer within the same amount of time afforded the respondent. (Ord. 2016-4, 6-16-2016)

1-4A-6: SUBPOENAS; DEFAULTS: At any time prior to the hearing date, the Hearing Officer may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If, on the date set for hearing, the defendant or his or her attorney fails to appear, the Hearing Officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the existence of a Code violation. (Ord. 2016-4, 6-16-2016)

1-4A-7: CONTINUANCES; REPRESENTATION AT HEARING: No continuances shall be authorized by the Hearing Officer in proceedings under this article except in cases where a continuance is absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a Hearing Officer under this article shall not exceed twenty five (25) days. The case for the City may be presented by an attorney designated by the City. The case for the defendant may be presented by the defendant or his or her attorney. Corporations, limited liability companies, and other legal persons other than natural persons shall be represented by an attorney. (Ord. 2016-4, 6-16-2016)

1-4A-8: HEARING PROCEDURES: At the hearing, the Hearing Officer shall preside, shall hear testimony, and shall accept any evidence relevant to the existence or nonexistence of a Code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this article. The proceedings shall be electronically recorded, and any party to the proceedings may, at his, her or its discretion, have the proceedings transcribed by a court reporter. (Ord. 2016-4, 6-16-2016)

1-4A-9: FINDINGS, DECISION AND ORDER:

A. **Determination Of Code Violation:** At the conclusion of the hearing, the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a Code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include: 1) the Hearing Officer's findings of fact; 2) a decision of whether or not a Code violation exists based upon the findings of fact; and 3) an order that states the sanction or dismisses the case if a violation is not proved. A monetary sanction for a violation under this article shall not exceed seven hundred fifty dollars (\$750.00) or the amount specified in the relevant section of this Code governing the offense, whichever is the lesser. A copy of the findings, decision and order shall be served on the defendant within five (5) days after it is issued. Service shall be in the same manner that the report form and summons are served under section 1-4A-5 of this article. Payment of any penalty or fine and the disposition of fine money shall be by payment to the City Clerk or to the City office which is authorized to receive fine monies on behalf of the City Clerk. (Ord. 2016-4, 6-16-2016)

- B. Review Under Administrative Review Law: The findings, decision and order of the Hearing Officer shall be subject to review in the Circuit Court of Macoupin or Sangamon County, depending on the location of the offense. The provisions of the Administrative Review Law, and the rules adopted pursuant thereto, shall apply to and govern every action for the judicial review of the findings, decision and order of a Hearing Officer under this article. (Ord. 2016-4, 6-16-2016; amd. 2019 Code)
- C. Judgment On Findings, Decision And Order:
1. Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the City and, as such, may be collected in accordance with applicable law. (Ord. 2016-4, 6-16-2016)
 2. After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the City may commence a proceeding in the Circuit Court of Macoupin or Sangamon County, depending on the location of the offense, for purpose of obtaining a judgment on the findings, decision and order. The City may consolidate multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the City shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order was issued in accordance with this article and the applicable provision of this Code. Service of the summons and a copy of the petition may be by any method provided for by section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested; provided, that the total amount of fines, other sanctions, and costs imposed by the findings, decision and order do not exceed two thousand five hundred dollars (\$2,500.00). If the court is satisfied that the findings, decision and order was entered in accordance with the requirements of this article and the applicable provision of this Code and that the defendant had an opportunity for a hearing under this article and for judicial review as provided in this article: (Ord. 2016-4, 6-16-2016; amd. 2019 Code)
 - a. The court shall render judgment in favor of the City and against the defendant for the amount indicated in the findings, decision and order, plus costs. The judgment shall have the same effect

and may be enforced in the same manner as other judgments for the recovery of money.

b. The court may also issue any other orders and injunctions that are requested by the City to enforce the order of the Hearing Officer to correct a Code violation.

3. a. In place of a proceeding under subsection C2 of this section, after expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a Code violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

b. In any case in which a defendant has failed to comply with a judgment ordering a defendant to correct a Code violation or imposing any fine or other sanction as a result of a Code violation, any expenses incurred by the City to enforce the judgment including, but not limited to, attorney fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a Hearing Officer, shall be a debt due and owing the City and may be collected in accordance with applicable law. Prior to any expenses being fixed by a Hearing Officer pursuant to this subsection C3, the City shall provide notice to the defendant that states that the defendant shall appear at a hearing before the Hearing Officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than seven (7) days from the date that notice is served. If notice is served by mail, the seven (7) day period shall begin to run on the date that the notice was deposited in the mail.

c. Upon being recorded in the manner required by article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the City under this subsection C. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

d. A Hearing Officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed within twenty one (21) days after the issuance of the order of default, if the Hearing Officer determines that the petitioner's failure to appear at

the hearing was for good cause or at any time if the petitioner establishes that the City did not provide proper service of process. If any judgment is set aside pursuant to this subsection C3, the Hearing Officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the City as a result of the vacated default judgment. (Ord. 2016-4, 6-16-2016)

1-4A-10: **PROCEDURES NOT EXCLUSIVE:** This article does not preclude the City from using other methods to enforce the provisions of this Code. (Ord. 2016-4, 6-16-2016)

CHAPTER 5

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

SECTION:

- 1-5-1: Corporate Seal
1-5-2: Location Of Official Records

1-5-1: **CORPORATE SEAL:**

- A. Description: The Corporate Seal of the City shall be circular in form, one and three-fourths inches ($1\frac{3}{4}$ ") in diameter, with the following words in capitals upon the face thereof, around the circumference of the same: "City of Virden, Ills., Sept. 10th, 1972", and on its inner surface shall be engraved a pair of balances in equipoise and the words, "Sic Jubeo".
- B. Use: The Corporate Seal shall be used as the Seal in all cases provided 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 City to use a seal.
- C. Custodian: The Seal shall be and remain with the City Clerk who shall be the legal custodian. (2008 Code § 1-2-19)

- 1-5-2: **LOCATION OF OFFICIAL RECORDS:** All official records, including the Corporate Seal, shall be kept in the City Hall. (2008 Code § 1-2-32)

CHAPTER 6
ELECTIVE CITY OFFICIALS

SECTION:

- 1-6-1: Qualifications
- 1-6-2: Inauguration
- 1-6-3: Salaries

1-6-1: QUALIFICATIONS:

- A. A person is not eligible for an elective City office unless that person is a qualified elector of the City and has resided in the City at least one year next preceding the election. (2008 Code § 1-2-24)

- B. A person is not eligible to take the oath of office for an elective City office if that person is, at the time required for taking the oath of office, in arrears in the payment of a tax or other indebtedness due the City or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

- C. A person is not eligible for the Office of Alderman of a ward unless that person has resided in the ward that the person seeks to represent at least one year next preceding the election or appointment, except as provided in 65 Illinois Compiled Statutes 5/3.1-20-25 and 5/5-2-2. (2008 Code § 1-2-24; amd. 2019 Code)

- D. If a person: 1) is a resident of the City immediately prior to the active duty military service of that person or that person's spouse; 2) resides anywhere outside of the City during that active duty military service; and 3) immediately upon completion of that active duty military service, is again a resident of the City, then the time during which the person resides outside the City during the active duty military service is deemed to be time during which the person is a resident of the City for purposes of determining the residency requirement under subsection A of this section (People v. Hofer, 363 Ill. App 3d 719 (5th District)). (2008 Code § 1-2-24)

1-6-2: **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. (2008 Code § 1-2-20)

1-6-3: **SALARIES:** The following salaries are hereby established for elected City officials:

- A. Mayor: The salary of the Mayor shall be three thousand four hundred eighty eight dollars (\$3,488.00) annually.
- B. Aldermen: The salary of the Aldermen shall be one hundred fifty dollars (\$150.00) per month.
- C. City Clerk: The City Clerk shall receive for his or her services the sum of four thousand five hundred dollars (\$4,500.00) annually. (2008 Code § 1-3-1; amd. Ord. 2018-5, 4-2-2018)

CHAPTER 6

ELECTIVE CITY OFFICIALS

ARTICLE A. MAYOR AND CITY COUNCIL

SECTION:

- 1-6A-1: Mayor
- 1-6A-2: City Council
- 1-6A-3: Meetings
- 1-6A-3-1: Recording And Minutes Of Closed Meetings
- 1-6A-3-2: Remote Meeting Participation
- 1-6A-4: Rules Of Order And Procedure
- 1-6A-5: Committees
- 1-6A-6: Ordinances, Resolutions And Motions

1-6A-1: **MAYOR:**

- A. Election And Term: The Mayor shall be elected for a four (4) year term and shall serve until a successor is elected and has qualified. (2008 Code § 1-2-50)
- B. Powers And Duties:
 - 1. Chief Executive Officer:
 - a. The Mayor shall be the Chief Executive Officer of the City and shall see to the enforcement of all laws and ordinances.
 - b. 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.
 - c. 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.

d. 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. (2008 Code § 1-2-52)

2. General Duties:

a. The Mayor shall perform all the duties which are prescribed by law and shall take care that the laws and ordinances are faithfully executed.

b. The Mayor from time to time may and annually shall give the City Council information relative to the affairs of the City, and may recommend for their consideration such measures as he or she believes expedient. (2008 Code § 1-2-58)

3. Signature:

a. 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.

b. 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. (2008 Code § 1-2-53)

4. Appointment Of Officers:

a. 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 City.

b. 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 thereto 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. (2008 Code § 1-2-54)

5. Supervisory Powers; 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 City 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 ($\frac{2}{3}$) 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. (2008 Code § 1-2-55)

6. Designation Of Officer 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. (2008 Code § 1-2-56)

7. 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. (2008 Code § 1-2-57)

8. Serve As Local Liquor Control Commissioner: The Mayor is hereby designated as the Local Liquor Control Commissioner with all the powers to license and/or revoke any City liquor license according to State and City laws.

C. Voting:

1. 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 ($\frac{1}{2}$) 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 Municipal Code to adopt an ordinance, resolution or motion. (2008 Code § 1-2-62)

2. Nothing in this subsection C 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. (2008 Code § 1-2-62; amd. 2019 Code)

D. Mayor Pro Tem; Temporary Chair:

1. Mayor Pro Tem: 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.

2. Temporary Chair: In the absence of the Mayor or Mayor Pro Tem, the Corporate Authorities may elect one of their members to act as a Temporary Chair. The Temporary Chair 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. (2008 Code § 1-2-51)

1-6A-2: CITY COUNCIL:

- A. **Composition; Term Of Office:** 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. (2008 Code § 1-2-1)
- B. **Holding Other Positions:** No Alderman of the 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, except as otherwise provided in section 1-7-6 of this title. However, such Alderman may serve as a volunteer firefighter and receive compensation for such service. Any appointment in violation of this subsection is void. (2008 Code § 1-2-21; amd. 2019 Code)

1-6A-3: MEETINGS:

- A. **Regular Meetings:** The regular stated meetings of the City Council shall be held in the City Hall on the first Monday in each month at seven o'clock (7:00) P.M. When said meeting date falls upon a legal holiday, the meeting shall be held on the following 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 Illinois Open Meetings Act. (Ord. 2015-13, 10-8-2015)
- B. **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. The notices shall specify the purpose of the special meeting and the business to be taken up at that time and place. The notice shall be posted at 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. (2008 Code § 1-2-3)

- C. **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. (2008 Code § 1-2-6)
- D. **Failure To Attend Meetings:** 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 not receive his monthly salary. (2008 Code § 1-2-7)
- E. **Agenda:** An itemized agenda, along with all necessary supporting documentation, shall be furnished to each member of the City Council no later than the close of business on the Friday preceding the regular Council meeting. In the case of emergency matters which could not have been reasonably foreseen in sufficient time to comply with this subsection, a revised agenda will be furnished to each member of the City Council prior to the opening of the Council meeting. (2008 Code § 1-2-12)
- F. **Nonmember Participation:**
1. 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 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, limit remarks to five (5) minutes. All remarks shall be addressed to the City Council, not to any member thereof.
 - b. No person other than the Councilperson recognizing the individual addressing the Council and the person having the floor shall be permitted to enter into any discussion directly or through a member of the Council without the permission of the Mayor. No questions shall be asked of a Councilperson 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.
 2. 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 main-

taining 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. (2008 Code § 1-2-13; amd. 2019 Code)

1-6A-3-1: RECORDING AND MINUTES OF CLOSED MEETINGS:

- A. **Recording Required:** 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. The verbatim record shall be in the form of an audio or video recording as determined by the Corporate Authorities. (2008 Code § 1-5-1)
- B. **Responsibility For 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. (2008 Code § 1-5-2)
- C. **Recording Procedure:** 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. (2008 Code § 1-5-4)
- D. **Backup Equipment; Equipment Malfunctions:** The City shall maintain sufficient tapes, batteries and equipment for the City to comply with this section. 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. (2008 Code § 1-5-5)

- E. Minutes Required: In addition to the recordings of the closed and executive session as addressed in this section, the City will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, 5 Illinois Compiled Statutes 120/2.06. (2008 Code § 1-5-3)
- F. Review Of 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. (2008 Code § 1-5-6)
- G. Maintenance Of, Public Release Of And Access To Recordings: 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. (2008 Code § 1-5-7)
- H. 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:
 - 1. 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;
 - 2. More than eighteen (18) months have elapsed since the date of the closed session;
 - 3. There is no court order requiring the preservation of such recording; and

4. The Corporate Authorities of the City have not passed a motion requiring the preservation of the verbatim recording of that meeting. (2008 Code § 1-5-8)

1-6A-3-2: REMOTE MEETING PARTICIPATION:

- A. Definition: The term "meeting", when used in this section, 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. (2008 Code § 1-5-12)
- B. Policy Adopted: The City hereby adopts the Remote Participation Policy 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. (2008 Code § 1-5-14; amd. 2019 Code)

1-6A-4: RULES OF ORDER AND PROCEDURE: The following rules of order and procedure shall govern the deliberations and meetings of the City Council:

A. Order Of Business:

1. The order of business shall be as follows:

- a. Call to order by presiding officer.
- b. Roll call.
- c. 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.
- d. Reports and communications from the Mayor and other City officers.

e. Visitors - public participation.

f. Reports of standing committees.

g. Reports of special committees.

h. Presentation of communications, petitions, resolutions, orders, and ordinances by the Aldermen.

i. Unfinished business.

j. Miscellaneous business.

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

- B. Censure, 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 ($\frac{2}{3}$) vote of all Aldermen elected. (2008 Code § 1-2-11; amd. 2019 Code)

1-6A-5: **COMMITTEES:**

A. Standing Committees:

1. Established: The following standing committees of the City Council are hereby established:

Finance

Administration

Police

Public Works

2. Composition And Appointment: Each standing committee shall consist of four (4) Aldermen. Aldermen shall serve from the date of the appointment to the end of the fiscal year. Such committees shall be appointed by the Mayor at the first regular council meeting of the fiscal year. All Aldermen shall serve on two (2) committees. The

committee member first named in making up any such committee shall be the Chairperson thereof. The committee member second named in making up any such committee shall be Chairperson Pro Tem thereof. All committee appointments shall be approved by a simple majority of the Council. Refusal of the Council to approve any committee appointment so made by the Mayor shall cause the Mayor to resubmit at such meeting or the next meeting of the Council. Any configuration of a committee not approved by the Council shall not again be submitted to the Council for approval.

3. Duties And Meetings:

a. Finance Committee:

(1) It shall be the duty of the Finance Committee to audit the accounts and reports of the City officers, and such other bills as may be referred to them, to make such reports on the financial conditions and needs of the City as they may from time to time think proper, and shall, at the end of the year, report as to the appropriations in their opinion necessary to be made for defraying the expenses of the City, and payment of maturing liabilities for each particular object or purpose. (Ord. 2015-13, 10-8-2015)

(2) The Finance Committee shall hold its meetings on the fourth Thursday in each month at City Hall at seven o'clock (7:00) P.M. When said meeting date falls upon a legal holiday, the meeting shall be held on the following day at the same hour. Notice shall be given of the meeting and shall specify the purpose of the meeting and the business to be taken up at that time and place. (Ord. 2015-13, 10-8-2015; amd. 2019 Code)

b. Administration Committee:

(1) The Administration Committee shall have the following duties:

(A) The oversight of all legal matters.

(B) The supervision of the ordinances and records and shall from time to time examine the same and see that they are properly kept and recorded and to make reports to the City Clerk and to the Council at least once each year of their conditions.

(C) The duty to continuously maintain updated records of the total insurance program of the City including all types of insurance coverage, and the Chairperson or other member of the committee shall be prepared to report to the Council, upon request, the status of the insurance program of the City or any part thereof and to advise the Council and make recommendations on matters pertaining to the insurance program of the City to the Council.

(D) Any other duties as may by ordinance or resolution of the Council be required. (Ord. 2015-13, 10-8-2015)

(2) The Administration Committee shall hold its meetings on the first Thursday in each month at City Hall at seven o'clock (7:00) P.M. When said meeting date falls upon a legal holiday, the meeting shall be held on the following day at the same hour. Notice shall be given of the meeting and shall specify the purpose of the meeting and the business to be taken up at that time and place. (Ord. 2015-13, 10-8-2015; amd. 2019 Code)

c. Police Committee:

(1) The Police Committee shall from time to time make such suggestions and reports on the conditions and requirements of the City in the matter of police regulations and City nuisances as they shall consider for the best interest of the same. They shall, if required to do so by the Mayor, examine and report on any formal charge made against any appointive officer and, for this purpose, shall hear the evidence offered on both sides, and shall perform such other duties as may from time to time be required of them by ordinance or order of the Council, and shall, at the close of each year, report to the Mayor the condition of police matters in the City, making such suggestions for the future as they may think advisable. (Ord. 2015-13, 10-8-2015)

(2) The Police Committee shall hold its meetings on the second Thursday in each month at City Hall at seven o'clock (7:00) P.M. When said meeting date falls upon a legal holiday, the meeting shall be held on the following day at the same hour. Notice shall be given of the meeting and shall specify the purpose of the meeting and the business to be taken up at that time and place. (Ord. 2015-13, 10-8-2015; amd. 2019 Code)

d. Public Works Committee:

(1) The Public Works Committee shall have the following duties:

(A) The oversight and control, subject to action of the Council, of all streets and alleys, and shall make suggestions to the Council from time to time in relation to the disposition, operation, and improvement or repair thereof as they may deem for the general interest of the City.

(B) The oversight and control, subject to the action of the Council, of the waterworks in all business and procedures pertaining thereto, and shall make suggestions to the Council from time to time in relation to the disposition, operation, and improvement of the City waterworks as they may deem for the general interest of the City.

(C) The oversight and control, subject to action of the Council, of all public buildings and grounds and shall make suggestions to the Council from time to time in relation to the disposition, improvement or repairs thereof as they may deem for the general interest of the City.

(D) The oversight and control over any matters pertaining to the health, welfare and safety of the residents of the City, and any and all conditions that may control health, welfare and safety of the residents of the City, and they shall make suggestions to the Council from time to time in relation to any ordinances, regulations or control thereof as they may deem for the general interest of the City.

(E) The oversight and control, subject to action of the Council, of all parks and recreational facilities, and shall make suggestions to the Council from time to time in relation to the disposition, improvement or repairs thereof as they may deem for the general interest of the City.

(F) Without necessary delay, report on all matters as described above referred to them and shall, at the close of each year, send to the Mayor a report on the condition of the above mentioned thereof with amounts in their opinion necessary to be appropriated for the purpose of the subsequent year. (Ord. 2015-13, 10-8-2015)

(2) The Public Works Committee shall hold its meetings on the third Thursday in each month at City Hall at seven o'clock (7:00) P.M. When said meeting date falls upon a legal holiday, the meeting shall be held on the following day at the same hour. Notice shall be given of the meeting and shall specify the purpose of the meeting and the business to be taken up at that time and place. (Ord. 2015-13, 10-8-2015; amd. 2019 Code)

e. Open Meetings; Minutes: All committee meetings are subject to the Open Meetings Act requirements, and minutes shall be taken.

4. Deferral Of Committee Reports: As provided by law, any report of a committee of the 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. (Ord. 2015-13, 10-8-2015)

B. 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. (2008 Code § 1-2-5)

1-6A-6: ORDINANCES, RESOLUTIONS AND MOTIONS:

A. Preparation Of Ordinances: It shall be the duty of the City Attorney to prepare such ordinances as may be required by the City Council.

B. Introduction Of Ordinances: 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. Passage Of Ordinances, Resolutions And Motions:

1. The passage of all ordinances for whatever purpose, and of any resolution or motion: a) to create any liability against the City; or b) 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 this 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.

2. 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, 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 the 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 for 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.

- D. Approval Or Veto Of Ordinances, Resolutions And Motions: 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 of them, he shall sign them. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the City Council, with his written objections, at the next regular meeting of the City Council occurring not less than five (5) days after their passage. The Mayor may disapprove of any one 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. (2008 Code § 1-2-14)
- E. Reconsideration; Passing Over Veto: Every resolution and motion specified in subsections A through D of this section 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 City Council receives the Mayor's written objection. If, after reconsideration, two-thirds ($\frac{2}{3}$) of all the Aldermen then holding office on the City Council shall 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. (2008 Code § 1-2-15; amd. 2019 Code)

- F. Voting At Special Meetings: 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. (2008 Code § 1-2-16)

CHAPTER 6
ELECTIVE CITY OFFICIALS
ARTICLE B. CITY CLERK

SECTION:

- 1-6B-1: Election And Term
- 1-6B-2: Vacancy In Office
- 1-6B-3: Powers And Duties
- 1-6B-4: Deputy Clerk

1-6B-1: **ELECTION AND TERM:** The City 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. (2008 Code § 1-2-66)

1-6B-2: **VACANCY IN OFFICE:** 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. (2008 Code § 1-2-67)

1-6B-3: **POWERS AND DUTIES:**

A. Publication Of 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 published at least once within thirty (30) days after passage, in one or more newspapers published in the City. (2008 Code § 1-2-68)

B. Minutes And Records:

1. The City Clerk shall attend all meetings of the City Council, including executive sessions, and shall keep in a suitable book to be

styled "The Journal of the City Council", a full and faithful record of its proceedings, except if the Clerk is the subject matter of the meeting and his/her presence creates a conflict of interest. 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, the Clerk shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance.

2. The Clerk shall prepare and preserve the minutes of closed meetings according to the provisions of the Open Meetings Act. At least twice a year, the 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 or whether minutes or portions of minutes from closed meetings no longer require confidential treatment and are available for public inspection. (2008 Code § 1-2-68; amd. 2019 Code)

- C. Record Bonds: The Clerk shall record in proper books for that purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. (2008 Code § 1-2-68)
- D. Administer Oaths: The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. (2008 Code § 1-2-73)

1-6B-4: **DEPUTY CLERK:** The City Clerk, when authorized by the City Council, may appoint a Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the Seal of the City thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word "By" and the Deputy Clerk's name and the words "Deputy Clerk". The powers and duties herein described shall be executed by the Deputy Clerk only in the absence of the City Clerk from the City Clerk's Office in City Hall, and only when either written direction has been given by the City Clerk to such Deputy Clerk to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions. (2008 Code § 1-2-80)

CHAPTER 7

CITY OFFICERS AND PERSONNEL

SECTION:

- 1-7-1: Bonds
- 1-7-2: Changes In Compensation
- 1-7-3: Liability Insurance Or Indemnification
- 1-7-4: Regulations Generally
- 1-7-5: Resignation Of Appointive Officials
- 1-7-6: Vacancies In Office
- 1-7-7: Retirement
- 1-7-8: Personnel Policy Adopted

1-7-1: **BONDS:**

- A. Amounts: Bonds of City officers and employees required under 65 Illinois Compiled Statutes section 5/3.1-10-30 shall be executed in the following penal sums: (2008 Code § 1-2-25)

Mayor	\$50,000.00
City Treasurer	50,000.00
Lead dispatcher	50,000.00
Authorized check signer	50,000.00
Water Clerk	50,000.00

(2008 Code § 1-2-25; amd. 2019 Code)

- B. Payment By City: The surety bonds required by law shall be paid by the City.
- 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.
(2008 Code § 1-2-25)

1-7-2: **CHANGES IN COMPENSATION:**

- A. Elective Officials: No salary or compensation of any elected City officer who is elected for a definite term of office shall be increased or diminished during such term.
- B. Appointive Officials: 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. (2008 Code § 1-2-28)

1-7-3: **LIABILITY INSURANCE OR INDEMNIFICATION:**

- A. Liability Insurance: The City Council shall have the power to purchase liability insurance covering and insuring all City 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 City 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 City officer, employee or elected official.
- B. Indemnification:
 - 1. If the City Council elects not to purchase liability insurance covering and insuring City officers, elected officials and employees as provided in subsection A of this section, then the City shall indemnify and cause to defend City 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 City officers, elected officials or employees while in the performance of their official duties, except the City shall not indemnify, but shall defend, any City officer, elected official or employee from any claim made by an individual, partnership or corporation wherein the claim alleges that the City 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 City officer, elected official or employee from any claim made by a City officer, elected official or employee.

2. Notwithstanding any other provisions of this Code, the City shall not indemnify or cause to defend any City officers, elected officials or employees if the City officers, elected officials or employees have liability insurance insuring the City officers, elected officials or employees from the alleged claim; however, the City shall indemnify the City officer, elected official or employee the personal deductible limits of his personal policy. (2008 Code § 1-2-26)

1-7-4: **REGULATIONS GENERALLY:**

- A. Effect: The provisions of this section shall apply 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 Of Appointive Officials:
1. No person shall be eligible for any appointive City office unless that person is a qualified elector of the City or otherwise provided by law.
 2. The residency requirements do not apply, however, to the City Engineer, Health Officer, Attorney, 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).
- 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.
- D. Oath Of Office:
1. Before entering upon the duties of their respective offices, all City 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.*

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

- 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. (2008 Code § 1-2-22)
- F. Fees: 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 deposited into the City Treasury.
- G. Books, Records And Property 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 the City is required to deliver to his successor in office all property, books and effects in his possession belonging to the City 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 1-4-1 of this title. He shall not receive his final check until his City Code book and keys are turned over to the City Clerk.
- H. 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. (2008 Code § 1-2-22; amd. 2019 Code)

1-7-5: **RESIGNATION OF APPOINTIVE OFFICIALS:** Any appointive 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. (2008 Code § 1-2-23; amd. 2019 Code)

1-7-6: **VACANCIES IN OFFICE:** The provisions of 65 Illinois Compiled Statutes 5/3.1-10-50, which covers vacancies in office, is hereby adopted by reference as if set out at length herein. Three (3) copies of said statute are on file in the Office of the City Clerk for public use and inspection. (2019 Code)

1-7-7: **RETIREMENT:**

A. Social Security:

1. Definition: When used in this subsection, the term "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. (2008 Code § 1-2-33)

2. Withholdings: Withholdings from salaries or wages of employees 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. (2008 Code § 1-2-33; amd. 2019 Code)

B. Illinois Municipal Retirement Fund:

1. The City does hereby elect to participate in the Illinois Municipal Retirement Fund.

2. 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. (2008 Code § 1-2-34)

1-7-8: **PERSONNEL POLICY ADOPTED:** The City Personnel Policy, and any amendments thereto, is hereby adopted by reference as if set out at length herein. Three (3) copies are on file in the Office of the City Clerk for public use and inspection. (2019 Code)

CHAPTER 7
CITY OFFICERS AND PERSONNEL
ARTICLE A. CITY ATTORNEY

SECTION:

- 1-7A-1: Appointment And Term
1-7A-2: Compensation
1-7A-3: Duties

1-7A-1: **APPOINTMENT AND TERM:** The City Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council, for the term of one year, unless sooner removed for cause, and until a successor shall have been appointed and qualified. (2008 Code § 1-2-98; amd. 2019 Code)

1-7A-2: **COMPENSATION:** The City Attorney shall receive compensation as established by the City Council. (2008 Code § 1-2-98; amd. 2019 Code)

1-7A-3: **DUTIES:** The City Attorney shall have charge of all legal affairs of the City, subject to the directives of the Corporate Authorities. (2019 Code)

CHAPTER 7
CITY OFFICERS AND PERSONNEL
ARTICLE B. CITY ENGINEER

SECTION:

- 1-7B-1: Appointment And Term
1-7B-2: Compensation
1-7B-3: Duties

1-7B-1: **APPOINTMENT AND TERM:** With the advice and consent of the City Council, the Mayor 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 City Council. (2008 Code § 1-2-116)

1-7B-2: **COMPENSATION:** The Engineer shall be compensated as per the firm's fee schedule. (2008 Code § 1-2-117; amd. 2019 Code)

1-7B-3: **DUTIES:** 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. The Engineer shall also examine all public works under his or her charge and see that the plans, estimates and specifications for the same are properly executed. (2008 Code § 1-2-117)

CHAPTER 7
CITY OFFICERS AND PERSONNEL
ARTICLE C. CITY OFFICE MANAGER

SECTION:

1-7C-1: Duties

- 1-7C-1: **DUTIES:** The City Office Manager shall have the following duties:
- A. **Notices Of Meetings:** The City Office Manager 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 Chair thereof. (2008 Code § 1-2-68; amd. 2019 Code)
 - B. **Documents To Officers:** The City Office Manager shall deliver to the several committees of the City Council and to the officers of the City all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the City Council on demand therefor. The City Office Manager shall also, without delay, deliver to the Mayor all ordinances or resolutions, orders and claims in his or her charge which may be required to be approved or otherwise acted upon by the Mayor. (2008 Code § 1-2-69; amd. 2019 Code)
 - C. **Preparation Of Commissions And Other Documents:** The City Office Manager 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 the Office Manager shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by the City. (2008 Code § 1-2-70; amd. 2019 Code)

D. Licenses:

1. The City Office Manager shall report to the City Council at its regular meeting each month, and more often if the Council so requires, the data contained in the license register with respect to licenses issued during the previous month. (2008 Code § 1-2-71; amd. 2019 Code)

2. 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 City Office Manager, it shall be the duty of the Office Manager to deliver such plates, tags, or stickers to the person paying the license fee. (2008 Code § 1-2-72; amd. 2019 Code)

E. Reports And Monies:

1. The City Office Manager shall, on or before the regular meeting in each month, make out and submit to the City Council a statement or report in writing of all the monies received and warrants drawn during the preceding month, showing therein from what sources and on what account monies were received, and for what purposes and on what account the warrants were drawn or paid. (2008 Code § 1-2-75; amd. 2019 Code)

2. The City Office Manager shall prepare monthly an itemized list of all monies received and shall deliver a copy of the same to the City Treasurer and shall also pay over to the Treasurer all monies received in the office and take a receipt therefor. (2008 Code § 1-2-77; amd. 2019 Code)

F. Books And Records: The City Office Manager shall carefully preserve 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 Office Manager shall deliver all such books, records, papers and effects to the successor in office. (2008 Code § 1-2-76; amd. 2019 Code)

G. Notify Appointive Officials: Within five (5) days after an appointment is made, the City Office Manager 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. (2008 Code § 1-2-78; amd. 2019 Code)

- H. Other Duties: In addition to the foregoing duties, the City Office Manager shall perform all such 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. (2008 Code § 1-2-79; amd. 2019 Code)

CHAPTER 8

CITY DEPARTMENTS

ARTICLE A. FINANCE DEPARTMENT

SECTION:

- 1-8A-1: Department Established; Composition
- 1-8A-2: Finance Committee
- 1-8A-3: City Treasurer
- 1-8A-4: Deposit Of Funds

1-8A-1: **DEPARTMENT ESTABLISHED; COMPOSITION:** There is hereby established a department of the City government which shall be known as the Finance Department. It shall embrace the Finance Committee and the City Treasurer. (2008 Code § 1-2-82)

1-8A-2: **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. (2008 Code § 1-2-83)

1-8A-3: **CITY TREASURER:**

- A. Appointment And Term: Pursuant to section 3.1-20-5 of the Illinois Municipal Code, effective May 1, 2018, the Office of Treasurer of the City is an appointive and not an elective position. The Treasurer shall be appointed by the Mayor, with the advice and consent of the City Council, to a four (4) year term, or a term of office not to exceed that of the Mayor, whichever is shorter, until a successor has been appointed and has qualified.

B. Salary: The salary of the Treasurer so appointed shall be six hundred fifty five dollars (\$655.00) per month on and after May 1, 2018, and until changed by subsequent ordinance. (Ord. 2018-5, 4-2-2018)

C. Duties:

1. Warrants:

a. The City Treasurer shall receive all monies belonging to the 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 City Clerk with the monthly reports. (2008 Code § 1-2-85)

b. 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. (2008 Code § 1-2-86)

2. 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. (2008 Code § 1-2-89)

3. Books And Accounts: 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 City Council. (2008 Code § 1-2-90)

4. Reports:

a. Monthly Reports: 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 City as shown by his books up to the time of the report. (2008 Code § 1-2-91)

b. Year End Report:

(1) 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 subsection C4b. 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 subsection C4b(1)(A), 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 subsection C4b(1)(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 (2008 Code § 1-2-93)

(C) All monies paid out by the City as compensation for personal services, giving the name of each person to whom monies were paid and the total amount paid to each person from each account; except, that the Treasurer may elect to report the compensation for personal services of all personnel by name, listing each employee in one of the following categories:

- (i) Under \$25,000.00;
- (ii) \$25,000.00 to \$49,999.99;
- (iii) \$50,000.00 to \$74,999.99;
- (iv) \$75,000.00 to \$99,999.99;
- (v) \$100,000.00 to 124,999.99; or

(vi) \$125,000.00 and over. (2008 Code § 1-2-93; amd. 2019 Code)

(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.

(2) 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. (2008 Code § 1-2-93)

c. Annual Appropriation:

(1) The Treasurer shall, on or before May 15 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.

(2) 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. (2008 Code § 1-2-94)

5. 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 monies for the use of the City who may fail to make a return of the monies received to the Treasurer at the time required by law or by ordinances of the City. (2008 Code § 1-2-92)

- D. **Personal Funds Separate:** The City Treasurer shall keep all monies belonging to the City and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the City monies or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this subsection shall subject the Treasurer to immediate removal from office by the Corporate Authorities, who may declare the Treasurer's Office vacant. (2008 Code § 1-2-87)

1-8A-4: DEPOSIT OF FUNDS:

- A. The City 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 subsection F of this section. 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 City 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 monies that the Treasurer deposits in a designated bank or savings and loan association while the funds and monies are so deposited.
- B. The City 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 City deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation.
- C. The City Treasurer may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of City funds.
- D. 1. The City Treasurer may:
- a. Combine monies from more than one fund of a single municipality for the purpose of investing those funds and;

b. Join with other Municipal treasurers or municipalities for the purpose of investing the Municipal funds of which the Treasurer has custody.

2. 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. (2008 Code § 1-2-95)
- F. 1. The following banks are herewith designated as places of deposit where the City Treasurer is required to keep all funds and monies in his custody belonging to the City:

Prairie State Bank and Trust, Virden, IL

First National Bank, Virden, IL

CNB Bank & Trust, Virden, IL (2008 Code § 1-2-95; amd. 2019 Code)

2. In addition to any other investments or deposits authorized under this Code, the City is authorized to invest the funds and public monies in the custody of the City Treasurer in accordance with the Public Funds Investment Act. (2019 Code)

CHAPTER 8

CITY DEPARTMENTS

ARTICLE B. PUBLIC WORKS DEPARTMENT

SECTION:

- 1-8B-1: Department Created; Composition
1-8B-2: Director Of Operations
1-8B-3: Superintendent Of Public Works

1-8B-1: **DEPARTMENT CREATED; COMPOSITION:** There is hereby created the Department of Public Works, an executive department of the City. The Department of Public Works shall consist of the present Street Department, Water Department, and Sanitation Department. (2008 Code § 1-2-104)

1-8B-2: **DIRECTOR OF OPERATIONS:**

- A. **Appointment And Term; Compensation:** The Mayor shall, with the advice and consent of the City Council, appoint a Director of Operations who shall hold office until the first Monday in May following such appointment and until his successor is appointed and qualified, for such salary as the City Council may provide. The Director of Operations shall hereinafter be referred to as "Director" throughout this Code. (2008 Code § 1-2-106)
- B. **Powers And Duties:** The Director of Operations shall:
1. Maintain an office at the City garage and have overall responsibility for keeping records and of all personnel including the work and vacation scheduling, sick leaves and other personnel matters.
 2. Maintain an accurate inventory of all Department of Public Works equipment and vehicles and a maintenance schedule for the same.

3. Receive requests for any and all work needed to be done by the various departments under his supervision upon forms provided by the Mayor or City Council prior to scheduling any job, except in an emergency.
4. Prepare and maintain a schedule of when all work or activities are to be completed by the Department of Public Works.
5. Prepare a schedule of when and which Department of Public Works employees, including the Director of Operations and the Superintendent of Public Works, are assigned to perform scheduled work or activities to be completed by the Department of Public Works.
6. Maintain records showing what expenses and labor time of the Department of Public Works are attributable to streets and alleys, water distribution repair and billing, building and grounds, and park and sanitation; and prepare budgets for such costs and expenses.
7. Supervise the granting of all permits.
8. Have any further powers and perform further duties as provided by the Statutes of the State of Illinois and by this Code. (2008 Code § 1-2-109)

1-8B-3: SUPERINTENDENT OF PUBLIC WORKS:

- A. Appointment And Term; Compensation: The Mayor shall, with the advice and consent of the City Council, appoint a Superintendent of Public Works who shall hold office until the first Monday in May following such appointment and until his successor is appointed and qualified, for such salary as the City Council may provide. The Superintendent of Public Works shall hereinafter be referred to as "Superintendent" throughout this Code. (2008 Code § 1-2-107)
- B. Duties: The Superintendent of Public Works shall:
 1. Provide on site supervision of Department of Public Works employees, as directed by the Director of Operations.
 2. Assist the Director of Operations in maintaining performance files on all employees under their supervision.

3. Act as Supervisor in charge in the absence of the Director of Operations.

4. Perform such other work as directed by the Mayor, the City Council or the Director of Operations. (2008 Code § 1-2-109)

CHAPTER 9

ETHICS

SECTION:

- 1-9-1: State Regulations Adopted
- 1-9-2: Definitions
- 1-9-3: Interpretation
- 1-9-4: Prohibited Acts
- 1-9-5: Penalties
- 1-9-6: Amendments

1-9-1: **STATE REGULATIONS ADOPTED:** The regulations of section 5-15¹ and article 10² of the State Officials and Employees Ethics Act, 5 Illinois Compiled Statutes 430/1-1 et seq. (hereinafter referred to as the "Act" in this chapter), are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 Illinois Compiled Statutes 430/70-5. (2008 Code § 22-5-1)

1-9-2: **DEFINITIONS:** For purposes of this chapter, the terms "officer" and "employee" shall be defined as in 5 Illinois Compiled Statutes 430/70-5(c). (2008 Code § 22-5-1)

1-9-3: **INTERPRETATION:** This chapter does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this chapter, however, the provisions of this chapter shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a). (2008 Code § 22-5-1)

1. 5 ILCS 430/5-15.

2. 5 ILCS 430/10-10 - 10-40.

1-9-4: PROHIBITED ACTS:**A. Gifts:**

1. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act by any officer or any employee of the City is hereby prohibited.

2. The offering or making of gifts prohibited under the Act to be offered or made to an officer or employee of the City is hereby prohibited.

B. Political Activities: The participation in political activities prohibited under the Act by any officer or employee of the City is hereby prohibited. (2008 Code § 22-5-1)

1-9-5: PENALTIES: The penalties for violations of this chapter shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the Act. (2008 Code § 22-5-1)

1-9-6: AMENDMENTS: Any amendment to the Act that becomes effective after the effective date hereof shall be incorporated into this chapter by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by the City shall not be incorporated into this chapter by reference without formal action by the Corporate Authorities of the City. (2008 Code § 22-5-1)

CHAPTER 10
MANDATED POLICIES

SECTION:

1-10-1: Certain Policies Adopted

1-10-1: **CERTAIN POLICIES ADOPTED:** The following mandated policies of the City, and any amendments hereto, are adopted by reference as if set out at length herein. Three (3) copies of each policy are on file in the Office of the City Clerk for public use and inspection:

Identity theft programs:

Identity theft prevention policy

Use of social security numbers

Investment policy (2019 Code)

CHAPTER 11

ELECTIONS

SECTION:

- 1-11-1: Election Wards
1-11-2: Conduct Of Elections

1-11-1: **ELECTION WARDS:** The City shall be divided into four (4) wards, and such wards shall be numbered from one to four (4) inclusive, and shall consist of and include all that portion of the City, comprised within the boundary lines, as follows:

- A. **First Ward:** The first ward shall consist of all the territory within the Municipal limits of the City of Virden which is located East of the centerline of Springfield Street and North of the centerline of Jackson Street, and the Northerly and/or Easterly extensions of such lines.
- B. **Second Ward:** The second ward shall consist of all the territory within the Municipal limits of the City of Virden which is located West of the centerline of Springfield Street and North of: The centerline of Jackson Street and Terry Street and North of the North lot line of Lot 7 Block 3 in Loud's Addition to the City of Virden; Lot 7 Block 4 in Loud's Addition to the City of Virden and; Lot 7 of the Apostolic Village Addition to the City of Virden; and the northerly or westerly extensions of such lines. (2008 Code § 39-1-2)
- C. **Third Ward:** The third ward shall consist of all the territory within the Municipal limits of the City of Virden, located West of the centerline of Springfield Street and South of: The centerline of Jackson Street and Terry Street and South of the North lot line of Lot 7 Block 3 in Loud's Addition to the City of Virden; Lot 7 Block 4 in Loud's Addition to the City of Virden and; Lot 7 of the Apostolic Village Addition to the City of Virden; and the southerly or westerly extensions of such lines. (2008 Code § 39-1-2; amd. 2019 Code)

- D. Fourth Ward: The fourth ward shall consist of all the territory within the Municipal limits of the City of Virden which is located East of the centerline of Springfield Street and South of the centerline of Jackson Street, and the Southerly and/or Easterly extensions of such lines.
- E. Future Additions: All additions to the City hereafter made of lands or lots not included in the corporate limits of the City, as now located, shall be added to and made a part of the ward or wards within the limits of which they would be, by extending the boundary lines of said wards as herein established. (2008 Code § 39-1-2)

1-11-2: **CONDUCT OF ELECTIONS:** The provisions of the 10 Illinois Compiled Statutes and 65 Illinois Compiled Statutes 5/3.1-10-10 concerning Municipal elections shall govern the conduct of the City elections. (2008 Code § 1-2-20)