

EXHIBIT "A"

CHAPTER 1

ADMINISTRATION

ARTICLE I – GENERAL PROVISIONS

DIVISION I - TITLE

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

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

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

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

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

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

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

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

DIVISION II - SAVING CLAUSE

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

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

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

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

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

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

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

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

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF RANDOLPH)
CITY OF RED BUD) **ss.** **CITY CLERK'S OFFICE**

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

In witness whereof, I have set my hand and affixed the corporate seal of the City of Red Bud, this _____ day of _____, 19__.

CITY CLERK
CITY OF RED BUD

(SEAL)

1-1-13 **RESERVED.**

DIVISION III - DEFINITIONS

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

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

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

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

"CITY" shall mean the **City of Red Bud, Illinois.**

"CODE" OR "THIS CODE" shall mean **"The Revised Code of Ordinances of the City of Red Bud".**

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

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

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

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

"FISCAL YEAR". The "fiscal year" for the City shall begin on **May 1st of each year and end on April 30th of the following year.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION IV - GENERAL PENALTY

1-1-19 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense.** (Ord. No. 1133; 05-01-06)

(B) Any minor or person designated a juvenile by this State convicted of a violation of any Section of this Code shall be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense,** but may not be confined except by the provisions of the **Juvenile Court Act of the State of Illinois.** (Ord. No. 1133; 05-01-06)

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

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

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

1-1-20 MINOR VIOLATIONS PENALTY.

(A) Any person accused of a violation of any section of this Code **except Chapter 34, Chapter 40 and Article VI of Chapter 24,** may settle and compromise the claim by paying to the City the sum of **Ten Dollars (\$10.00)** within **ten (10) days** from the time such alleged offense was committed or by paying to the City Collector the sum of **Twenty-Five Dollars (\$25.00)** after said **ten (10) day period** and before such person being issued a complaint or notice to appear.

(B) The tickets issued under this Section shall be as a courtesy in lieu of arrest. If the person accused of this violation does not settle the claim, a complaint or notice to appear will be issued for that violation and the person shall be subject to the penalties set forth in **Section 1-1-19** of this Code. (Ord. No. 1238; 10-04-10)

1-1-21 APPLICATION.

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

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

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

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

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

ARTICLE II - CITY OFFICIALS

DIVISION I - CITY COUNCIL

1-2-1 **CITY COUNCIL.** The City Council shall consist of the Mayor and **eight (8) Aldermen, two (2)** from each of the **four (4) wards**, and their term of office shall be for **four (4) years**, and until their successors are elected and have qualified. **(Ord. No. 745; 12-07-92) (See 65 ILCS Secs. 5/3.1-10-50(D) and 5/3.1-20-10)**

1-2-2 **REGULAR MEETINGS.** The regular stated meetings of the City Council shall be held in the City Hall Building on the **first (1st) Monday** in each month at **7:00 P.M.** When said meeting date falls upon a legal holiday observed by the City of Red Bud, the meeting shall be held on the following day at the same time and place. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the **Meetings of Public Agencies Act of the State of Illinois, Illinois Compiled Statutes, Ch. 5, Secs. 120/1 through 120/6.** **(Ord. No. 619; 01-05-87) (Ord. No. 820; 07-10-95) (See 65 ILCS Sec. 5/3.1-40-25)**

1-2-3 **SPECIAL MEETINGS.** Special meetings of the City Council may be called by the Mayor or any **three (3) Aldermen**, by giving at least **twenty-four (24) hours** notice thereof, by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Aldermen; such notices shall be served by mail, by the Chief of Police, or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the City Hall and shall be provided to any local newspaper of general circulation or any local radio or television that has filed an annual request for such notice. The notice shall be provided to such news media in the same manner as the notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. **(See 65 ILCS Sec. 5/3.1-40-25 and 5 ILCS Secs. 120/2.02 and 120/2.02)**

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

1-2-5 **COMMITTEES.**
(A) The following standing committees of the City Council are hereby established:

- (1) Finance
- (2) Public Health and Safety
- (3) Personnel

- (4) Public Works
- (5) Code Enforcement

(Ord. No. 1109; 10-03-05)

(B) In conjunction with the Annual Notice for meetings of the City Council, the Mayor shall provide notice of the date, time and place of regular Standing Committee meetings, and shall further provide notification of the procedures by which any regular committee meeting is rescheduled should it fall on a holiday observed by the City. **(See 5 ILCS Sec. 120/1 and 120/2.06)**

(C) Committee members, and the Chairman thereof, shall be appointed annually by the Mayor at the first regular or special City Council meeting in May, or as soon thereafter as is possible.

(D) The Mayor shall be the ex-officio chairman of each and every Standing Committee and as such shall conduct committee meetings in the absence of the Chairman, provided however, that in said capacity the Mayor shall not be considered a necessary member for the purposes of establishing a quorum, nor shall the Mayor have any vote on any committee business under consideration.

(E) The Chairman of each committee shall have the responsibility of either taking or causing written minutes of each committee meeting to be taken. At a minimum, the minutes shall contain:

- (1) the date, time and place of the meeting;
- (2) the members of the committee, recorded as either being present or absent;
- (3) a general description of all matters discussed;
- (4) all motions made, including the recording of the person making the motion and seconding the motion; and
- (5) a record of any vote taken. **(Ord. No. 970; 10-2-00)**

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

(G) Each Standing Committee of the City Council shall consider and recommend policies and procedures for the departments and municipal functions with which it is connected; shall assist in ascertaining the conditions and needs of said departments and functions; shall periodically report the same to the Mayor and City Council so that a full understanding thereof may be had; and shall perform all acts necessary and appropriate to promote the efficiency of the departments and functions. **(Ord. No. 820; 07-10-95)**

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

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

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

1-2-8 **COMPELLING ATTENDANCE.** It shall be the duty of each and all Aldermen to attend all regular meetings of the City Council and all special meetings when each has been duly notified of the date and place of such meeting. If, at any special meeting duly called, a quorum is not present, the Aldermen in attendance may adjourn the same to some stated time. Any Alderman duly notified in writing by the City Clerk of the time and place of such adjourned meeting and any Alderman who may have been present when such adjournment was had who fails to attend the same shall be fined **Fifteen Dollars (\$15.00)** for each of such adjourned meetings as he failed to attend; provided that the foregoing shall not apply when any Alderman is absent from such meeting or meetings because of sickness or unavoidable accident.

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

DIVISION II - RULES OF THE CITY COUNCIL

1-2-12 **RULES OF THE COUNCIL.** The following rules of order and procedure shall govern the deliberations and meetings of the City Council. **(III. Rev. Stat., Ch. 24; Sec. 3-11-11)**

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

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

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

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

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

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

(D) **Visitors.** No person other than a member of the Council shall address that body on the same question unless such person has been recognized by the Presiding Officer.

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

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

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

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

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

(H) **Appeals from Decision of the Chair.** Any Alderman may appeal to the Council from a ruling of the chair, and if the appeal is seconded, the Alderman making the appeal may briefly state his reason for the same, and the Chair may briefly explain

his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The Presiding Officer shall have the right to participate in debate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ill. Rev. Stat., Ch. 23; Sec. 3-11-11)

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

1-2-14 **CONSENT AGENDA.**

(A) When the agenda for regular meetings of the City Council is prepared, routine matters requiring a simple majority Council consent shall be placed upon the consent agenda including, but not limited to, approval of minutes, Cultural Committee requests, training requests, resolutions, ordinances, board and committee appointments, and annual mayoral appointments. The Mayor may also cause to be placed on the consent agenda other such matters requiring a simple majority Council consent considered to be routine.

(B) Upon Council consideration of the consent agenda the Chair shall first inquire if there are any requests from Council members to remove items from the consent agenda. Any item on that agenda may be removed and considered in the order upon which they otherwise fall in the order of business. After any items are removed, the Chair shall call the question on the consent agenda and a roll call vote shall be taken. When approved by an appropriate vote, the individual items on the consent agenda shall have the same effect and force as they would have had if individually approved by the Council.

(Ord. No. 1272; 03-05-12)

1-2-15 **RESERVED.**

DIVISION III - ORDINANCES

1-2-16 ORDINANCES.

(A) **Passages by Yeas and Nays - Record.** The yeas and nays shall be taken upon the passage of all ordinances and on all propositions to create any liability against the City, or for the expenditure or appropriation of its money, and all other cases at the request of any member, and entered on the journal of its proceedings and the concurrence of a majority of all the members elected in the City Council shall be necessary for the passage of any such ordinance or proposition; provided, it shall require **three-fourths (3/4)** of the Aldermen to sell any City property.

(B) **Approval and Veto.** All ordinances passed by the City Council shall, before they take effect, be deposited in the office of the City Clerk, and if the Mayor approves thereof, he shall sign the same, and such as he shall not approve, he shall return to the City Council with his objections thereto, in writing, at the next regular meeting of the City Council occurring no less than **five (5) days** after the passage thereof. Such veto may extend to any **one (1)** or more items or appropriations contained in any ordinance making an appropriation or to the entire ordinance; and in case the vote only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the Mayor shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly.

(Ill. Rev. Stat., Ch. 24; Sec. 3-11-18)

1-2-17 RECONSIDERATION - PASSING OVER VETO. Every resolution and motion specified in **Section 1-2-16**, and every ordinance which is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting. If, after such reconsideration, **two-thirds (2/3)** of all the Aldermen then holding office on the City Council shall agree at such regular meeting to pass an ordinance, resolution or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays and shall be recorded in the journal. **(Ill. Rev. Stat., Ch. 24; Sec. 3-11-19)**

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

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

DIVISION IV - GENERAL REGULATIONS

1-2-21 THE SEAL.

(A) The seal provided by the City Council, consisting of the words, "**City of Red Bud, Randolph Co. Ill.**" around the outer edge and the figure of an "**eagle**" and the words, "**Incorporated, 1875**" in the center of the seal shall be and is hereby established and declared to be the seal of the City of Red Bud. The City Clerk shall be the custodian of the City Seal.

(B) The corporate seal shall be used as such seal in all cases provided for by law or by the ordinances of the City and in all other cases in which by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the City Clerk who shall be the legal custodian.

(Ill. Rev. Stat., Ch. 24; Secs. 3-10-7 and 3-13-1)

1-2-22 ELECTIONS.

(A) **Election Procedure.** The provisions of the **Illinois Revised Statutes, Chapter 24, Section 3-2-1, et. seq.** and **Chapter 46** concerning municipal elections shall govern the conduct of the City elections.

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

1-2-23 APPOINTMENT OF ELECTED OFFICIALS. No Alderman of this City, during the term of office for which he is elected, may accept or be appointed to or hold any office, by the appointment of the Mayor, except if such alderman is granted a leave of absence from such office. However, such Alderman may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this Section is void. **(NOTE: One (1) member may serve on the Library Board; See Ill. Rev. Stat., Ch. 81, Sec. 4-1) (See Ill. Rev. Stat., Ch. 102; Sec. 2)**

1-2-24 MUNICIPAL OFFICERS - REGULATIONS.

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

(B) **Bond.** Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position.

(C) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the Municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-19** of this Code. He shall not receive his final check until his City Code book and keys are turned over to the City Clerk.

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

(E) **Fees; Report of Fees.** No officer of the Municipality shall be entitled to charge or receive any fees as against the City. All officers of the City entitled to receive fees shall keep a correct account thereof, and make a report thereof under oath to the City Council prior to the regular meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received.

All fees received shall be paid over into the City Treasury.

(F) **Other Rules and Regulations.** Every officer of the City shall perform such other duties and be subject to such other rules and regulations as the Council may provide by law.

(G) **Conservators of Peace.** The Mayor, Aldermen and Policemen are designated as conservators of the peace, with power to make arrests as provided by law. **(Ill. Rev. Stat., Ch. 24; Sec. 3-9-4)**

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

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

(Ill. Rev. Stat., Ch. 24; Sec. 3-14-3)

(Also, see "Administration of Oaths", Section 1-2-65)

1-2-25 RESIDENCY. No person shall be eligible to hold any office who is not a qualified elector of the City and who shall not have resided therein for at least **one (1) year** next preceding his election or appointment, nor shall any person be eligible who is a defaulter to the City. Provided, however, this paragraph shall not apply to the Attorney, City Engineers, Superintendent, the Police Chief, or members of the Planning Commission. **(Ord. No. 656; 03-06-89)**

1-2-26 INTEREST IN CONTRACTS PROHIBITED.

(A) No person holding any office, either by election or appointment under the laws or constitution of this State, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor may any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void.

(B) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services or labor, if they meet the exemption requirements provided in the **Illinois Revised Statutes, Chapter 102, Paragraph 3, et seq. (See Ill. Rev. Stat., Ch. 102; Sec. 3, et seq.)**

1-2-27 BONDS OF CITY OFFICERS.

(A) **Amount.** Bonds of City officers required under the **Illinois Revised Statutes, Chapter 24, Section 3-14-3** shall be executed in the following penal sums:

(1)	Mayor	\$3,000.00
(2)	City Clerk	\$100,000.00
(3)	City Treasurer	\$10,000.00
(4)	City Collector	\$100,000.00

(B) **Premium Payment by City.** The surety bonds required by law shall be paid by the City. **(Ill. Rev. Stat., Ch. 203; Sec. 16)**

(C) **Surety.** The City Council shall not receive or approve any bond or security whereon the name of the City Council, any one of the Aldermen, or any elected or appointed officers of the City appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the City Council, or if any bondsman, after becoming such is elected or appointed to any City office, this Section shall not act as a release of any such obligation incurred.

1-2-28 CITY OFFICES CONSOLIDATED.

(A) The City Council may, from time to time, by law, impose upon any officer filling any office created by the ordinances of the City, any such other or further duties as shall be consistent with the laws of this State, and may consolidate any

two (2) or more of the offices and impose the duties thereof upon any other officer and may make any such regulations, respecting such offices as shall be consistent with the laws of this State.

(B) In case the City Council consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he would not have been entitled to receive if such consolidation had not taken place.

1-2-29 INSURANCE. The City Council shall have the power to purchase liability insurance covering and insuring all municipal officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover, and protect any liability which the municipal corporation, officer, employee or elected official may incur. When said insurance has been purchased, the City shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the municipal corporation, officer, employee or elected official.

1-2-30 INDEMNIFICATION. If the City Council elects not to purchase liability insurance covering and insuring municipal officers, elected officials and employees as provided in **Section 1-2-29** of this Chapter, then the City shall indemnify and cause to defend municipal officers, elected officials and employees from any claim filed by an individual, partnership or corporation when said claim is founded on any act or omission of the municipal officers, elected officials or employees while in the performance of their official duties, except the City will not indemnify, but will defend any municipal officer, elected official or employee from any claim made by an individual, partnership, or corporation wherein the claim alleges that the municipal officer, elected official or employee acted intentionally, maliciously, or wantonly, and further, will not indemnify or cause to defend said 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 Revised Statutes**, and the City will not indemnify any municipal officer, elected official or employee from any claim made by a municipal officer, elected official or employee.

Notwithstanding any other provision of this Code, the City will not indemnify or cause to defend any municipal officers, elected officials or employees if the municipal officers, elected officials or employees have liability insurance insuring the municipal officers, elected officials or employees from the alleged claim; however, the City will indemnify the municipal officer, elected official or employee the personal deductible limits of their personal policy.

1-2-31 **CONTRACTS.**

(A) All contracts for the purchases by the City shall be in compliance with the statutes of the State of Illinois.

(B) Any work or public improvement which is not to be paid for in whole or in part by special assessment or special taxation when the expense thereof will exceed **Twenty Thousand Dollars (\$20,000.00)** shall be constructed either:

(1) By a contract let to the lowest responsible bidder after advertising for bids in the manner prescribed by ordinance and statutes, except that any such contract may be entered into by the proper officers without advertising for bids if authorized by a vote of **two-thirds (2/3)** of all Aldermen then holding office or there is an emergency;

(2) If authorized by a vote of **two-thirds (2/3)** of all the Aldermen or Councilmen then holding office, the Superintendent shall supervise and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor therein, laborers or artisans whom the municipality shall pay by the day or hour; and all material of the value of **Twenty Thousand Dollars (\$20,000.00)** and upward used in the construction of the work or the public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed by the Code of the City. However, nothing contained in this Chapter shall apply to any contract by the City with the Federal Government or agents thereof.

(C) **Definition.** The lowest responsible bidder does not mean the lowest bidder financially only, but shall mean the bidder who, by experience and other qualifications is deemed most capable of performing the work required in a satisfactory manner. **(Ord. No. 1143; 08-07-06) (See 65 ILCS Sec. 5/2-2-12; 5/8-9-1 and 5/8-9-2)**

1-2-32 **SALARIES.**

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

(B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased. **(See 65 ILCS Sec. 5/3.1-50-5 and 5/3.1-50-6)**

1-2-33 **CLAIM PRESENTATION.** All claims against the City for goods purchased, damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance **must be presented on or before the last Wednesday, prior to the regular meeting each month** to the City Clerk. All such claims must be in writing and items shall be specified.

1-2-34 **CLAIM EXCEPTION.** This Section does not prohibit the City Council from passing on any claims not previously presented to the City Clerk if, in the opinion of the Council, justice to the claimant requires it.

1-2-35 **FISCAL YEAR.** The fiscal year of the City shall begin on **May 1st of each year and shall end on April 30th of the following year. (Fiscal Year Defined, Ill. Rev. Stat., Ch. 24; Sec. 1-1-2)**

1-2-36 **MUNICIPAL YEAR.** The municipal year of the City shall begin on **May 1st of each year and shall end on April 30th of the following year.**

1-2-37 **ILLINOIS MUNICIPAL RETIREMENT FUND.**
(A) The City does hereby elect to participate in the Illinois Municipal Retirement Fund.
(B) **Special Tax.** The City includes in its levy and appropriation ordinance provision for the levying of a special tax to pay the City's cost of participating in the Retirement Fund and appropriate therefrom funds to pay the cost of participation.

1-2-38 **RETURNED CHECKS.** There shall be an additional charge of **Thirty-Five Dollars (\$35.00) per check** returned to the City because of insufficient funds or cancellation of the check by the customer. **(Ord. No. 1322; 05-05-14)**

1-2-39 - 1-2-40 **RESERVED.**

DIVISION V - MAYOR

1-2-41 **ELECTION.** The Mayor shall be elected for a **four (4) year term** and shall serve until his successor is elected and has qualified. (**Ill. Rev. Stat., Ch. 24; Sec. 3-4-4**)

1-2-42 **MAYOR PRO-TEM.** During a temporary absence or disability of the Mayor which incapacitates him from the performance of his duties, but does not create a vacancy in the office, the Mayor shall appoint one of the Aldermen and if he cannot, the Aldermen shall appoint one of its members to act as Mayor Pro-tem. The Mayor Pro-tem, during this absence or disability, shall perform his duties and possess all the rights and powers of the Mayor. The Mayor may appoint an Alderman to administer affairs of the City with the advice and consent of the City Council whenever the City Council considers it necessary and expedient.

1-2-43 **VACANCY.** If a vacancy occurs in the office of the Mayor and there remains an unexpired portion of the term of at least **twenty-eight (28) months** and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The City Council shall elect one of its members "**Acting Mayor**", who shall perform the duties and possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified. (**Ill. Rev. Stat., Ch. 24; Sec. 3-4-6**)

1-2-44 **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the City and he shall see to the enforcement of all laws and ordinances. He shall preside over the meetings of the Council and perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and City employees; provided, however, his control is subject to the power of the Council to prescribe the duties of various officers and employees. He shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to City affairs and kept by any officer of the City. (**Ill. Rev. Stat., Ch. 24; Secs. 3-9-1, 3-11-6 and 3-11-3**)

1-2-45 **MAYOR'S SIGNATURE.** The Mayor shall sign all City warrants, commissions, permits and licenses granted by authority of the Council, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature.

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

A written signature of the Mayor executed by the person so designated with the signature underneath of the person so designated shall be attached to the notice. The notice with the signature attached shall be recorded in the journal of the City Council and then filed with the City Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument, in all respects, shall be as binding on the City as if signed by the Mayor in person.

(Ill. Rev. Stat., Ch. 24; Sec. 3-11-5)

1-2-46 APPOINTMENT OF OFFICERS.

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

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

(C) **Temporary Appointments.** Temporary appointment of any City official by the Mayor which has not been approved by the City Council shall be limited to a term of **sixty (60) days**. The Mayor may not temporarily appoint the same person to the same office more than twice in one fiscal year of the City. This shall apply prospectively to any individual serving in a temporary appointment at the time of passage of this Section or temporarily appointed to an office after passage. **(Ord. No. 1178; 04-07-08)**

1-2-47 SUPERVISE CONDUCT OF OFFICERS - REMOVALS. The Mayor shall supervise the conduct of all officers of the City and see that they faithfully and efficiently discharge the duties of their respective offices. The Mayor shall have the power to remove any officer appointed by him on any formal charge whenever the Mayor shall be of the opinion that the interests of the City demand such removal, but the Mayor shall report the reasons for the removal to the City Council to be heard not less than **five (5) days** nor more than **ten (10) days** after such removal. If the Mayor shall fail or refuse to file with the City Clerk a statement of

the reasons for such removal or if the City Council, by a **two-thirds (2/3) vote** by yeas and nays of all its members authorized by law to be elected, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which the person was so removed, but the person shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

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

1-2-49 DECIDING VOTE - MAYOR. The Mayor shall preside at all meetings of the City Council. He shall not vote on any ordinance, resolution or motion except:

- (A) Where the vote of the Aldermen has resulted in a tie; or
- (B) Where **one-half (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 Revised Statutes** to adopt an ordinance, resolution or motion.

In each instance specified, the Mayor shall vote. Nothing in this Section shall deprive an Acting Mayor or Mayor Pro-tem from voting in his capacity as Alderman, but he shall not be entitled to another vote in his capacity as Acting Mayor or Mayor Pro-tem.

(Ill. Rev. Stat., Ch. 24; Secs. 3-11-14 and 3-11-17)

1-2-50 FORMAL OCCASIONS. The Mayor shall act for and on behalf of the City on formal occasions and receptions, but in his absence or inability to attend any such function, the Mayor may select any other City officer to so act.

1-2-51 GENERAL DUTIES. The Mayor shall perform all the duties which are prescribed by law, and shall take care that the laws and ordinances are faithfully executed.

(Ill. Rev. Stat., Ch. 24; Secs. 3-11-4 and 3-11-6)

1-2-52 BUSINESS LICENSE COMMISSIONER. The Mayor is hereby designated as Business License Commissioner to issue and revoke any and all business licenses as prescribed by law.

1-2-53 **LOCAL LIQUOR CONTROL COMMISSIONER.** The Mayor is hereby designated as the Local Liquor Control Commissioner with all the powers to license and/or suspend, revoke, or fine any City Liquor License, according to State and City laws. (**Ill. Rev. Stat., Ch. 43; Sec. 111**)

1-2-54 **HEALTH COMMISSIONER.** The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the City authority as prescribed by law.

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

DIVISION VI - CITY CLERK

1-2-57 **ELECTED.** The City Clerk shall be elected at the same election as the Mayor for a **four (4) year** term and shall serve until his successor is elected and has qualified. The office of City Clerk shall be part-time.

1-2-58 **MINUTES.** The City Clerk shall keep the following minutes:

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

(B) The City Clerk shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. The City Clerk shall issue and cause to be served upon all Aldermen, notices of all of the different committees of that body and all persons whose attendance may be required before any such committee when so directed by the chairman thereof. The City Clerk shall publish notices to all persons or entities as required by law. **(See 65 ILCS Sec. 5/1-2-5 and 5/ 3.1-35-90)**

(C) The City Clerk shall attend all monthly and special meetings of the following committees of the City:

- (1) Building and Restoration;
- (2) Public Health and Safety;
- (3) Finance;
- (4) Personnel; and
- (5) Public Works.

(D) The City Clerk shall take minutes of all of the above committee meeting and shall provide a copy of the minutes to each member of each committee following their completion. Duties enumerated in **Section 1-2-58(C)** and **(D)** shall commence for all of the above-described committee meetings as of **May 1, 2003. (Ord. No. 1027; 02-03-03)**

1-2-59 **ORDINANCES - PUBLICATIONS.** 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 or the corporate authorities, or be published at least once within **thirty (30) days** after passage in one or more newspapers published in the City. **(See 65 ILCS Sec. 5/1-2-4)**

1-2-60 **DELIVERY OF PAPERS TO OFFICERS.** The City Clerk shall deliver to the several committees of the City Council, and to the officers of this City, all petitions, communications, reports, and resolutions, orders, claims, and other papers referred to those committees or officers by the City Council on demand therefor. He shall also, without delay,

deliver to the Mayor, all ordinances or resolutions, orders, and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. **(See 65 ILCS Sec. 5/3.1-35-90)**

1-2-61 **LOCAL ELECTION OFFICIAL.** The City Clerk shall be known as the Local Election Officer and shall perform all duties as prescribed by **Chapters 65** and **10** of the **Illinois Compiled Statutes Annotated.**

1-2-62 **ADMINISTRATION OF OATHS.** The City Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(See 65 ILCS Sec. 5/3-9-3)**

1-2-63 **OUTSTANDING BONDS.** The City Clerk shall keep in his office in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued, or purchased, or paid, or cancelled, the book or books shall show the fact; (and in his annual report, the City Clerk shall describe particularly the bonds sold during the year and terms of sale with each and every item of expense thereof. **(See 65 ILCS Sec. 5/3.1-35-110)**

1-2-64 **SUCCESSOR.** The City Clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to his office and not in actual use and possession of other City officers; and upon the expiration of his office terms, he shall deliver all such books, records, papers, and effects to his successor in office.

1-2-65 **WARRANTS.** The City Clerk shall keep in a suitable book, an accurate list of all warrants drawn upon the City Treasury, showing the date, number and amount of each and the name of the person in whose favor drawn. There shall be a statement of charges attached to each check drawn. All warrants drawn upon the City Treasury shall be signed by the Mayor and countersigned by the City Clerk, and shall specify therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid than upon such warrants so drawn. **(See 65 ILCS Sec. 5/8-1-8)**

1-2-66 **NOTIFICATION TO PERSONS ELECTED OR APPOINTED.** The City Clerk, within **five (5) days** after the result of an election is declared or an appointment is made, shall notify all persons elected or appointed to office of their election or appointment.

1-2-67 **OTHER DUTIES.** In addition to the foregoing duties, the City Clerk shall perform all other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the City Council. He shall attest all documents which convey an interest in real estate owned by the City.

1-2-68 **DEPUTY CLERK.** When authorized by the City Council, the City Clerk may appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the City Clerk and affix the seal of the City thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk, followed with the word "By" and the Deputy Clerk's name and the words, "Deputy Clerk".

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

1-2-69 **OATHS OF OFFICE - BOND.** The City Clerk shall accept and file the oaths of office and bond of all City elected and appointed officers who are required by law to file such an oath and bond.

1-2-70 **SURETY BOND.** The City Clerk shall furnish and execute a bond in the penal sum of **One Hundred Thousand Dollars (\$100,000.00)** with surety of some company or corporation, lawfully authorized by the laws of the State of Illinois to act as surety thereon for the faithful performance of his duties and for accounting and payment of all monies collected and received by him in the performance of such duties as City Clerk as required by City Codes, ordinances or laws of the State of Illinois as in such case is by statute made and provided; the premium for such surety on such bond shall be paid by the City.

(Ord. No. 789; 12-05-94)

DIVISION VII - CITY TREASURER

1-2-80 **ESTABLISHED.** There is hereby established a department of the municipal government of the City which shall be known as the Finance Department. It shall embrace the City Council Committee on Finance and the City Treasurer.

1-2-81 **FINANCE COMMITTEE.** The standing committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

1-2-82 **ELECTION AND VACANCY.** The Treasurer shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until his successor is elected and has qualified. If a vacancy occurs in the office, it shall be filled by the Mayor, with the advice and consent of the City Council. The person so appointed shall hold office for the unexpired term of the officer elected. **(Ill. Rev. Stat., Ch. 24; Sec. 3-4-2)**

1-2-83 **MONEY; WARRANTS; ACCOUNTS.** The City Treasurer shall receive all moneys belonging to this City and shall pay all warrants signed by the Mayor and countersigned by the City Clerk and not otherwise and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment and upon what account paid, and he shall file copies of such receipts with the Clerk with his monthly reports. **(Ill. Rev. Stat., Ch. 24; Secs. 3-10-2 and 8-1-8)**

1-2-84 **WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid by him, showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid, and he shall cancel all warrants as soon as redeemed by him. **(Ill. Rev. Stat., Ch. 24; Secs. 8-1-8 and 8-1-9)**

1-2-85 **SEPARATION OF FUNDS.** The Treasurer shall keep all moneys in his hands belonging to this City separate and distinct from his own money and he shall not use, either directly or indirectly, the City moneys or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this Section shall subject him to removal from office by the City Council. **(See 65 ILCS Sec. 5/3.1-35-55)**

1-2-86 **BOND.** The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **Ten Thousand Dollars (\$10,000.00)**. Such bond shall be filed with the Clerk as required by statute.

1-2-87 **SPECIAL FUNDS.** All moneys received by the City Treasurer on any special tax or special assessment shall be held by the Treasurer as a special fund to be applied to the payment of the improvement for which such special tax or special assessment was made, and said money shall be used for no other purpose whatsoever, except to reimburse the City for money expended for such improvement.

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

1-2-89 **STATEMENTS.** The Treasurer shall report to the corporate authorities at the first monthly meeting a full and detailed account of all receipts and expenditures of the Municipality, as shown by his books, up to the time of the report. **(See 54 ILCS Sec. 5/3.1-35-45)**

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

1-2-91 **YEAR-END REPORT.** At the close of the fiscal year, the Treasurer, with the assistance of the City Clerk, shall make out and file with the City Clerk annually a full and detailed report of all the receipts and expenditures of the corporation as shown by his books and of his transactions as such Treasurer during the preceding fiscal year and he shall, in such report, show the state of the City Treasury at the close of said year, which report the City Clerk shall publish as required by law. **(See 65 ILCS Sec. 5/3.1-35-65)**

1-2-92 **DEPOSITORIES.**
(A) **Designation by City Council.** The City Treasurer is hereby required to keep all funds and monies in his custody belonging to the City in such places of deposit as are designated from time to time by resolution of the City Council. The corporate authorities shall designate a bank or banks or savings and loan or savings and loans in which may be kept the funds and monies of the City in the custody of the City Treasurer. When a bank or savings and loan has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified as provided by law. So long as there are **two (2)** or more designated

depositories, the City Council may terminate any depository by resolution without naming an additional depository if it so chooses. The terminated depository shall have **ten (10) days** in which to transfer funds as directed by the City Council. When a new depository is designated, the corporate authorities shall notify the Treasurer of that fact in writing at least **five (5) days** before the transfer of funds.

(B) **Qualifications of Bank or Savings and Loan.** No bank or savings and loan shall be qualified to receive City funds or monies until it has furnished the corporate authorities with copies of the **last two (2) sworn** statements of resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of Currency. Each bank or savings and loan designated as a depository for such funds or monies shall, while acting as a depository, furnish the corporate authorities with a copy of all statements and resources and liabilities which it is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of Currency and in the case of a savings and loan, in addition, as a savings and loan is required to report to the Federal Deposit Insurance Corporation. Further, the bank or savings and loan wishing to be a depository of the City shall execute a deposit agreement as is approved from time to time by the City Council of the City. Such agreement shall contain terms and conditions within the preview of **Sections 1-2-92 and 1-2-93** of this Code and **30 ILCS Sec. 235/0.01** and following of the Illinois Public Funds Investment Act. The agreement may be more restrictive than the terms of the Illinois Statutes. **(Ord. No. 956; 12-06-99)**

1-2-93 INVESTMENTS. Funds of the City shall be invested in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all state statutes and ordinances of the City governing the investment of public funds. The majority of the City funds shall be invested in savings and lending institutions located within the City. Surplus funds and reserve funds of the City shall be invested in such institutions with the investments being awarded to the highest bidder from time to time. The daily operating funds of the City shall be deposited in the City's depository(ies) as approved at the first meeting in May of each year with such funds drawing the same or better interest which the depository pays to its general customers on similar accounts. All other investments shall be subject to the following terms and conditions:

- (A) Authorized Investments:
- (1) General Obligation Securities of the United States of America or of the State of Illinois;
 - (2) Certificates of Deposit and Time Deposits in any bank or savings and loan where such investments are insured by the Federal Deposit Insurance Company;
 - (3) Money Market Certificates;
 - (4) Short Term Discount Obligations of the Federal National Mortgage Association; and
 - (5) Illinois Public Treasurer's Investment Pool.

(B) **Depository(ies).** At the first regular meeting in May of each year, the City Council shall pass a resolution designating as places of deposit where the City Funds are authorized to be kept. The City Treasurer is required to keep all funds and money in his custody which belongs to the Municipality within the depository(ies) so designated. The City Council at the same meeting shall designate the depository(ies) for the City's daily operating funds.

- (1) City funds or monies are deposited in a depository shall be insured by the Federal Deposit Insurance Corporation. Any amount deposited in any depository which exceeds the permissible amount insured by the Federal Deposit Insurance Corporation shall be fully collateralized by

United States Government Securities and securities of agencies thereof as defined in **30 ILCS Sec. 235/2(c)**, as amended from time to time, at the fair market value in an amount in excess of the total City funds deposited with such depository together with accrued and anticipated interest on all accounts so deposited.

- (2) On the first business day in January and on the first business day in July of each year, each depository of City funds shall verify under oath the amount of securities which it has pledged as collateral for this purpose, identifying each security pledged. Each depository shall provide on a continuing basis original receipts of the City of all securities so pledged as collateral. If any depository has municipal funds which exceed the collateral pledged, it will either promptly increase the amount of securities pledged to the City as collateral for its funds or will release funds of the City to the City immediately with no penalty assessed against the City.
- (3) If the securities pledged by any depository as collateral should become depreciated or become insufficient in value, City shall have the right at any time and from time to time to declare the entire or any part of the deposit or deposits to become due and payable unless the depository provides additional security. If such additional security is not provided, the City may, from time to time, sell, assign and deliver any and all of the securities pledged, and any additions thereto and all substitutions therefore, or any part thereof, at any public or private sale, at the option of the City, and without advertising the same, and without any notice to the depository, and with the right on the part of the City to be a purchaser at any public sale or sales.

(C) The City Council, by resolution, shall adopt and approve a depository agreement from time to time pursuant to **Section 1-2-92(B)** of this Code. The agreement shall be executed by each bank and savings and loan wishing to be a depository of the City. **(See Appendix "A")**

(D) **Report.** The City Treasurer shall review all investments of the City at least quarterly, filing a written report with the City Council stating the amount of funds deposited with each depository, the sufficiency or lack thereof with the collateral securing such funds, and whether or not all pledged securities are deposited in escrow with an unrelated corresponding bank, the Federal Reserve Bank or the Federal Home Loan Bank.

(E) **Term of Investment.** Each investment and the term of each investment shall be based on a "prudent man rule" considering the desired safety, liquidity and rate of return.

(F) **Ethics and Conflicts of Interest.** In making any investment, the City shall follow the applicable ethics and conflicts of interest laws of the State of Illinois. **(Ord. No. 956; 12-06-99)**

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

DIVISION VIII - JUDICIARY

1-2-96 APPOINTMENT. The Mayor, with the advice and consent of the City Council, may appoint a City Attorney, who shall serve for the term of the Mayor and at the pleasure of the corporate authorities.

1-2-97 **SERVICES OF ATTORNEY.** The Attorney shall have full charge of the law affairs of the City and shall be known as the City Attorney, and shall receive reasonable fees for services rendered when, in his judgment, or in the judgment of the Mayor or the City Council, the same are necessary or for the best interests of the City. **(See 65 ILCS Sec. 5/3.1-30-5)**

1-2-98 **DUTIES.**

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

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

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

(D) **Commissions.** The City Attorney shall act as the legal advisor for all the utility systems, for the Planning Commission and all other boards and commissions. **(#656; 03-06-89)**

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

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

(65 ILCS 5/3-7-3)

1-2-99 - 1-2-100 RESERVED.

DIVISION IX – CODE ADMINISTRATOR

1-2-101 **CREATION OF OFFICE.** There is hereby created the full-time salaried executive position of Code Administrator, which officer shall be appointed by the Mayor, with the advice and consent of the City Council.

1-2-102 **DUTIES.** The Code Administrator shall have the following duties:

(A) Code Administrator, or his authorized representative, shall administer and enforce the Zoning Code as amended from time to time, (Chapter 40 of the "Revised Code of Ordinances") and the Subdivision Code (Chapter 34 of the "Revised Code of Ordinances"). He shall have all powers and duties as set forth in these Codes. The Code Administrator shall replace the Code Official of Chapter 40 and the Administrator or Code Administrator of Chapter 34. The term "Code Administrator" also replaces any reference(s) to "Building Inspector" as used within the "Revised Code of Ordinances". The Code Administrator shall administer and enforce all Building Codes as amended or adopted from time to time.

ADMINISTRATION 1-2-103

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

(C) Prepare a monthly written report for the Mayor and City Council as to all zoning and subdivision activities for the preceding month, such reports to include but not be limited to statements of the number of permits and certificates issued and orders promulgated as well as the status of all subdivision applications and current status of preliminary plats.

(D) Observe all subdivision infrastructure construction so that all such construction conforms to the approved infrastructure plans and specifications for each new subdivision.

(E) Provide construction observation during construction of City utilities and streets by third-party contractors to insure compliance with the authorized construction plans.

(F) Prepare, maintain and update maps for location of all streets and utilities, zoning classifications and preparation of a comprehensive plan map annually.

(G) Meet with and present to prospective developers a packet containing all subdivision and zoning codes and all pertinent utility rules, regulations and building codes.

(H) Prepare Motor Fuel Tax documents for an annual street maintenance plan for curbs, gutters and sidewalks. The plan will be prepared under the direction of the City Superintendent of Streets.

(I) Attend City Council meetings, Public Works committee meetings and meetings and hearings relating to zoning and subdivisions.

(J) Performing any other duty as assigned by the Mayor.

(K) Enforce City Building Codes for new residential construction upon passage of such codes by City. The terms "residential construction" shall apply whenever a building permit must be applied for and is required.

1-2-103 **ASSISTANCE.** The Code Administrator may request and shall be given assistance from and by all City Department Heads and the City Attorney when assistance is requested.

1-2-104 **SUPERVISION.** The Code Administrator shall be under the control and direction of the Mayor and his appointee(s).

1-2-105 **RESIDENCY.** The Building Inspector shall, as a condition of employment with the City, resident within the City limits of the City of Red Bud, Illinois during the course of their employment. The Building Inspector shall have a period of **one (1) year** from their date of hire to reside within the City limits of the City of Red Bud, Illinois. (**Ord. No. 1302; 05-06-13**)

1-2-106 - 1-2-108 **RESERVED.**

(Ord. No. 1105; 09-06-05)

DIVISION X - CITY SUPERINTENDENT

1-2-109 **POSITION ESTABLISHED.** There is hereby created the office of City Superintendent who shall hereafter be known as the "**Superintendent**". He shall be appointed by the Mayor with the advice and consent of the City Council at the annual meeting.

1-2-110 **DUTIES AND RESPONSIBILITIES.** The duties and responsibilities of the City Superintendent shall be as follows:

- (A) Shall be responsible for the overall supervision of the utility departments.
- (B) Shall coordinate the various work projects among the utility and street departments and swimming and park departments.
- (C) Shall file timely reports containing his recommendations with the Mayor and the City Council.
- (D) Shall plan for the operation of utility departments with special emphasis given to rate structures, employment, dismissal of personnel, and securing price quotations.
- (E) Shall be responsible for establishing an operating and capital budget for all departments that are his responsibility.
- (F) Shall be responsible for the general and preventive maintenance of all departments.
- (G) Shall be the primary person responsible for overseeing construction of new plants.
- (H) Shall be responsible for submitting recommendations to the Public Works Committee regarding new plant construction. **(Ord. No. 1051; 01-05-04)**
- (I) Shall be responsible for preparing "**as built**" and field drawings and maps for the City records.
- (J) Shall be responsible for maintenance preparation and storage of all utility maps and records.
- (K) Shall assign labor forces as needed, and shall inspect new utility services.
- (L) Shall supervise the construction and maintenance of the utility services, including, but not limited to transmission, metering, and distribution.
- (M) Shall prepare a monthly report summarizing the activities in the utility systems and departments.
- (N) Shall prepare monthly and annual reports required by the State and/or Federal authorities.
- (O) Shall have the authority to make all operating and capital purchases up to **Five Thousand Dollars (\$5,000.00) per item**, pursuant to this Chapter.
- (P) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his departments.
- (Q) Shall possess sufficient expertise so as to be capable of understanding and interpreting engineering plans for the design, construction, maintenance and operation of the utility systems, including distribution and metering techniques.
- (R) Shall be familiar with all utility distribution networks as well as the continuance of the current high level of services.
- (S) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs for the City.

ADMINISTRATION 1-2-111

(T) Shall provide for the continual training of utility and street personnel through seminars, conferences, literature and "on-the-job" training.

(U) Shall be responsible for complying with all State and Federal regulations for all phases of the utility and street departments and the swimming pool.

(V) Shall be responsible for the planning operation and maintenance of service provided by the utility departments.

(W) Shall determine, recommend, and implement all items for the improvement of the utility operations and customer services to the Public Works Committee, City Council and Mayor. **(Ord. No. 1051; 01-05-04)**

1-2-111 **RESIDENCY.** The City Superintendent shall, as a condition of employment with the City, reside within the City limits of the City of Red Bud, Illinois during the course of their employment. The City Superintendent shall have a period of **one (1) year** from their date of hire to reside within the City limits of the City of Red Bud, Illinois. **(Ord. No. 1302; 05-06-13)**

1-2-112 - 1-2-119 **RESERVED.**

DIVISION XI - CITY ADMINISTRATIVE ASSISTANT

1-2-120 **POSITION ESTABLISHED.** There is hereby created the office of City Administrative Assistant. This appointee shall assist the Mayor and the City Council in planning, organizing, coordinating, and evaluating all administrative activities and functions of the City.

1-2-121 **APPOINTMENT AND APPROVAL.** The City Administrative Assistant shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May of each year, serving a **one (1) year** term unless removed pursuant to **Section 1-2-47** of this Code. The City Administrative Assistant shall work full-time under the supervision and direction of the Mayor. The City Administrative Assistant shall have the education, experience and skills as determined from time to time by the City Council.

1-2-122 **RESIDENCY.** The City Administrative Assistant shall, as a condition of employment with the City, reside within the City limits of the City of Red Bud, Illinois during the course of their employment. The City Administrative Assistant shall have a period of **one (1) year** from their date of hire to reside within the City limits of the City of Red Bud, Illinois. **(Ord. No. 1302; 05-06-13)**

1-2-123 **SALARY OF CITY ADMINISTRATIVE ASSISTANT.** The City Administrative Assistant's salary shall be set each year by the City Council on the **first (1st) Monday** in May.

1-2-124 **OFFICE HOURS AND DUTIES.** The City Administrative Assistant shall have the responsibility of having City Hall open from **8:00 A.M.** to **5:00 P.M.**, Monday through Friday except on holidays and shall schedule staff to work these hours. In addition, the City Administrative Assistant shall have the following duties: **(Ord. No. 968; 10-02-00)**

(A) **Permits and Reports.** Issue burial permits and certify copies of same and deposit monies received therefrom in the General Fund. The City Administrative Assistant shall prepare monthly birth and death records for Randolph County and the State of Illinois.

(B) **Cemetery Records.** Keep the cemetery records up-to-date and shall sell cemetery lots to those requesting same. The selling price of any cemetery lot shall be determined from time to time by the City Council.

(C) **Addresses of Subdivisions.** Address all new subdivisions and keep the City Directory up-to-date.

(D) **Hunting, Fishing and Business Licenses.** Sell and issue hunting and fishing licenses and deposit the money received therefrom in a special fund. Sell and issue all City licenses and permits required under the City Code and deposit the monies therefrom in the proper City account(s).

(E) **Inspection of Records.** Have available for inspection all warrants, books, vouchers and papers pertaining to this office by the Mayor, and Aldermen or Auditor of the City.

(F) **Supervision of City Hall.** Supervise the operation of City Hall and its employees as follows:

ADMINISTRATION 1-2-125

- (1) Oversee the supervision, scheduling, training and evaluation of all workers in City Hall.
- (2) Prepare the Annual City Hall Budget.
- (3) Plan for and recommend the purchase of supplies and equipment for City Hall.
- (4) Appoint employee(s) to work in his office so long as the appointment is authorized by the City Council and approved by the Mayor.

(G) **Additional Duties.** Perform all supplemental duties required by law and all other duties imposed by City codes, ordinances and amendments thereto and the Mayor and/or the City Council.

1-2-125 SAFETY OFFICER. The City Administrative Assistant is the designated Safety Officer for the City and shall oversee the safety activities in all City Departments and ensure that each Department is following all Federal, State, County and City safety requirements and in such capacity shall:

- (A) Serve as the City-wide Safety Coordinator performing all duties and responsibilities required of the position.
- (B) Chair both the City Safety Committee and the City Accident Review Committee.
- (C) Review and monitor the method of regular safety inspection of all City Departments.

1-2-126 PUBLIC RELATIONS. The City Administrative Assistant shall, under the direction of the Mayor, serve as City Public Relations Coordinator, directing, advising and supervising those activities which promote the best interests of the City and its citizens and as such shall receive and respond to citizen inquires and complaints and represent the City at public functions.

1-2-127 GRANT ADMINISTRATOR. The City Administrative Assistant shall apply for and administer all grants for the City. The City Administrative Assistant shall determine the availability of grant funds needed to assist the City in funding its projects and services to its citizens.

1-2-128 DOCUMENTS, COMMISSIONS, LICENSES. The City Administrative Assistant shall prepare all commissions, licenses, permits, and other official documents required to be issued by him under this Code and shall attest the same with the corporate seal. He shall report to the City Council at its regular meeting each month, and more often if the Council so requires the data contained in his records with respect to licenses, commissions and permits issued during the previous month.

1-2-129 PLANNING AND POLICY. The City Administrative Assistant shall, under the direction and supervision of the Mayor, assist the Mayor and City Council as follows:

- (A) **Activities.** Plan, organize, monitor, coordinate and evaluate all City functions and services, and assist department heads with program implementation and administration.

(B) **Policies.** Research activities in reference to policy and procedures and make recommendations to the Mayor and City Council and provide support for all committees established by the City. He shall attend all City Council meetings and shall attend committee meetings when requested by the Chairman of the Committee.

1-2-130 FINANCE OFFICER. Except for the duties of the City Treasurer as required by this Code and the Illinois State Statutes, the City Administrative Assistant shall be the City's Financial Officer and as such shall have the following duties:

(A) **Keep accurate financial records of all accounts necessitated by his duties.** Under the direction of the Finance Committee, he shall open and keep a complete set of books in which, among other things, shall be set forth the appropriations of the fiscal year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue so far as he can ascertain the same. He shall accurately prepare, retain and maintain all operating and payroll records (including City employee time records).

(B) **Prepare the City payroll for all City employees and officers.** (C) **Prepare quarterly Social Security reports and quarterly withholding tax reports and at the end of the year, prepare W-2 forms for all employees and officers of the City, all as required by the Federal and/or State governments.**

(C) **Prepare monthly State of Illinois utility tax reports on the City gas and electric utilities.**

(D) **Coordinate the preparation of the annual State of Illinois report and independent City Audit with the City Treasurer and the City Auditor.**

(E) **Annual Appropriation and Budget.** On or before the **first (1st) Monday** in May in each year and before the annual appropriation and budget to be made by the City Council, submit to the City Council, proposed budget and appropriation reports of his estimates as nearly as may be of monies necessary to defray the expenses of the corporation during the current fiscal year. In the proposed reports, he shall classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, he is hereby authorized to require of all officers their statement of the condition and expenses of their respective officers or departments, with any proposed improvements, and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpected appropriations of the preceding year.

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

(F) **Tax Levy.** Submit the tax levy ordinance to the Mayor and City Council so that it may be adopted and filed with the Clerk of Randolph County, Illinois on or before the **third (3rd) Tuesday in December** of each year.

(G) **Financial Reports.** On or before the regular meeting in each month, make out and submit to the City Council a written report of all the monies received and warrants drawn by him during the preceding month, showing therein from what sources and on what account monies were received; and for what purpose and on what account the warrants were drawn or paid and the bills to be paid to be listed. The City Administrative Assistant shall make out and submit to the City Council at its regular monthly meeting a statement of all unpaid bills and such statement shall be given to the City Council before its regular monthly meeting.

(H) **Audit Accounts.** Audit all accounts or claims allowed by the City Council as provided by the ordinances and when such claims are allowed as aforesaid, the City Administrative Assistant shall draw a warrant in due form upon the City Treasury therefor.

(I) **Supervision of Municipal Officers.** Supervise all municipal officers who are charged in any manner with the receipt, collection or disbursement of municipal revenue or with the collection and return of the municipal revenue into the Treasury.

1-2-131 **COLLECTOR.** The City Administrative Assistant is the Collector for the City and as such shall have the following duties:

(A) Price meter books for all utilities and send out all statements as required by this Code or City Ordinances to the users of the City's utility services.

(B) Send letters to all delinquent utility customers and direct services to be terminated if bills are not paid as required by this Code and/or City Ordinances.

(C) Collect all City utility funds and City funds except those required to be collected by the City Clerk, if any, and deposit all monies received to the credit of the City accounts as directed by the City Council.

(D) All duties of the City Collector stated in **Chapter 38 (Utilities)** of the City Code. **(Ord. No. 1051; 01-05-04)**

1-2-132 **SURETY BOND.** The City Administrative Assistant shall furnish and execute a bond in the penal sum of **One Hundred Thousand Dollars (\$100,000.00)** with surety of some company or corporation, lawfully authorized by the laws of the State of Illinois to act as surety thereon for the faithful performance of his duties and for accounting and payment of all monies collected and received by him in the performance of such duties as City Administrative Assistant as required by City Code, Ordinances or laws of the State of Illinois as in such case is by statute made and provided. The premium for such surety on such bond shall be paid by the City.

1-2-133 **ASSISTANT TO THE CITY ADMINISTRATIVE ASSISTANT.** The office of Assistant to the City Administrative Assistant is hereby created. This appointee shall assist the City Administrative Assistant in all of such office's functions and duties and be responsible for those duties in the absence of the City Administrative Assistant as stated in Division XI of the City Code. When, in the discretion of the Mayor, the Mayor believes that it is in the best interest of the City that an Assistant to the City Administrative Assistant be appointed, the Mayor shall have the authority to appoint an Assistant to the City Administrative Assistant with the advice and consent of the City Council. The initial Assistant to the City Administrative Assistant shall serve until the City's annual meeting in May and thereafter shall be appointed at the City's annual meeting in May of each year thereafter pursuant to Section 1-2-46 of the City Code so long as the Mayor believes that such position is needed. Thereafter the term of an Assistant to the City Administrative Assistant shall be for **one (1) year.** **(Ord. No. 832; 11-06-95)**

1-2-134 **RESERVED.**

(This Division: Ord. No. 790; 12-05-94)

DIVISION XII - DEPARTMENT OF CODE ENFORCEMENT

1-2-135 **DEPARTMENT ESTABLISHED.** There is hereby established a department of the City which shall be known as the Department of Code Enforcement. It shall be comprised of a Code Enforcement Committee, the City Code Administrator and employees of the Department.

1-2-136 **COMMITTEE ON CODE ENFORCEMENT.** A Committee on Code Enforcement is hereby created as a permanent standing committee of the City. The Committee will be comprised of **three (3)** Aldermen, **one (1)** of whom will be named as Chairman, appointed annually on the **first (1st) Monday of May**, by the Mayor with the advice and consent of the City Council. Upon and following the effective date of this Chapter, the Committee will be so appointed and serve until the Committee is appointed in May, 2006. The Committee will review and report to the City Council the actions and activities of the Code Administrator's performance of duties as enumerated in Ordinance No. 1105, Revised Code of Ordinances, **Sections 1-2-105 through 1-2-108.**

1-2-137 **DEPARTMENT OF CODE ENFORCEMENT.** The Department of Code Enforcement, by and through its Code Administrator and employees, shall enforce all zoning, subdivision and building codes of the City.

1-2-138 **CODE ADMINISTRATOR.** The Code Administrator shall keep the Code Enforcement Committee apprised of the Department's activities and its conditions and needs. The Committee will, from time to time, report the same to the Mayor and City Council so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the Department. Further, the Code Administrator shall report all of his actions and activities as required of the Code Administrator in Ordinance No. 1105.

(Ord. No. 1108; 10-03-05)

ARTICLE III - SALARIES

1-3-1 **MAYOR.** The Mayor shall receive an annual salary of **Three Thousand Dollars (\$3,000.00)**; provided, however, the annual salary shall be **Eight Thousand Dollars (\$8,000.00)** from and after **May 1, 2007** or as soon thereafter as the then newly elected Mayor's term commences. **(Ord. No. 1049; 12-03-03)**

1-3-2 **ALDERMEN.** Each Alderman's salary shall be as follows:

(A) Each Alderman shall receive an annual salary of **Two Thousand Four Hundred Dollars (\$2,400.00)**; provided, however, the annual salary shall be **Two Thousand Eight Hundred Dollars (\$2,800.00)** commencing **May 1, 2005** and thereafter or as soon thereafter as the then newly elected Alderman's term commences.

(B) In addition to the annual salary as of **May 1, 2005** and thereafter, each then newly elected Alderman shall receive **Fifty Dollars (\$50.00)** for each regular meeting of the City Council that he attends, not exceeding in any fiscal year **twelve (12)** regular council meetings.

(C) In addition to the above remuneration as of **May 1, 2005** and thereafter, each then newly elected Alderman shall receive **Fifty Dollars (\$50.00)** per meeting which he attends for public safety, public works and/or finance, such remuneration not to exceed in any fiscal year **twelve (12) meetings.**

(D) Remuneration for attendance at meetings shall be determined by the minutes kept for each meeting which evidences those Aldermen in attendance.

(E) Each Alderman elected after **May 1, 2005** shall receive the above-stated remuneration upon the commencement of his term.
(Ord. No. 1049; 12-03-03)

1-3-3 **CITY CLERK.** The City Clerk shall receive an annual salary of **Five Thousand Dollars (\$5,000.00).**

1-3-4 **CITY TREASURER.** The City Treasurer shall receive an annual salary of **One Thousand Five Hundred Dollars (\$1,500.00).**

ARTICLE IV - WARDS

1-4-1 **WARDS.** The City of Red Bud shall be divided into **four (4) wards**, as follows:

(A) **Ward #1.** The territory South of the centerline of Market Street (also known as Illinois State Route 3 West of the intersection of Main and Market Streets and as Illinois State Route 154 East of the intersection of Main and Market Streets) to the City limits and any extension thereof, bounded by the following on the East: the centerline of Bloom Street from the centerline of East Market Street to the centerline of South 6th Street, thence Southeasterly to the centerline of Hartman Drive, thence South along the centerline of Hartman Drive to the centerline of East Shiloh Drive, thence West 20 feet along the centerline of East Shiloh Drive, thence South 1,266 feet, thence West 200 feet to the East line of the Illinois State Route 3 right of way, thence South along the East line of the Illinois State Route 3 right of way to the centerline of Ohlwine Road where it intersects with the East line of the Illinois State Route 3 right of way, thence East 617 feet along the centerline of Ohlwine Road, thence South to the City limits and any extension thereof; AND bounded by the following on the West: the East line of Sections 5 and 8 of Township 4 South, Range 8 West of the Third Principal Meridian, Randolph County, Illinois from the centerline of West Market Street South to the centerline of McCarthy Street, thence South along the centerline of Hilltop Street to the centerline of West Field Drive, thence West 1,269 feet along the centerline of West Field Drive, thence South along the East boundary of Phase 1 of Fieldstone Subdivision, thence West 23 feet, thence South to the City limits and any extension thereof.

(B) **Ward #2.** The territory South of the centerline of East Market Street (also known as Illinois State Route 154) to the City limits and any extension thereof and East of the East line of Ward #1 East to the City limits and any extension thereof.

(C) **Ward #3.** The territory North of the centerline of Market Streets (also known as Illinois State Route 3 West of the intersection of Main and Market Streets and as Illinois State Route 154 East of the intersection of Main and Market Streets) to the City limits and any extension thereof.

(D) **Ward #4.** The territory South of the centerline of West Market Street (also known as Illinois State Route 3) to the City limits and any extension thereof and West of the West line of Ward #1 to the City limits and any extension thereof.

1-4-2 **WARD MAP.** The boundaries of the listed wards are hereby incorporated on the ward map of this Municipality. The ward map, including all notations and other information thereon, is hereby made a part of this Code by reference. Official copies of the ward map shall be kept on file in the Office of the Code Official or other appropriate official. In the event of any conflict between the ward map boundaries and the boundaries described in **Section 1-4-1**, then the boundary descriptions of **Section 1-4-1** shall control. The ward map may be updated and amended as needed by the Code Official, or other appropriate official, to accurately reflect the ward boundaries as described in **Section 1-4-1**.

(Ord. No. 1269; 12-05-11)

ARTICLE V – ETHICS CODE

1-5-1 OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) **Regulations.** The regulations of Sections 5-15 (**5 ILCS 430/5-15**) and Article 10 (**5 ILCS 430/10-10 through 10-40**) of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by **5 ILCS 430/70-5**.

(B) **Solicitation.** 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.

(C) **Gifts.** The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act, is hereby prohibited.

(D) **Political Activities.** The participation in political activities prohibited under the Act, by any officer or employee of the City is hereby prohibited.

(E) **Definitions.** For the purposes of this Article, the term “officer” and “employee” shall be defined as set forth in **5 ILCS 430/70-5(c)**, i.e., an “officer” being defined as elected or appointed official whether compensated or not and an “employee” being defined as any full-time, part-time or contractual employee of the City. An independent contractor is not to be considered as a contractual employee.

(F) **Penalties.** The penalties for violations of this Section shall be as stated in **Section 1-1-19** of this Code.

(G) **Prior Ordinances.** This Article 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 Article, however, the provisions of this Article shall prevail in accordance with the provisions of **5 ILCS 430/70-5(a)**.

(H) **Amendments.** Any amendment to the Act that becomes effective after the effective date of this Article shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City.

(I) **Act Unconstitutional – Automatic Repeal.** If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Article shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Article shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

(J) **Partial Constitutional Invalidity.** If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Article shall remain in full force and effect; however, that part of this Article relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City.

(Ord. No. 1071; 09-07-04)