

# CHAPTER 3

## CITY ADMINISTRATION

### .01 THE MAYOR.

- (a) Election and term. The Mayor shall be elected for a four year term, and shall serve until his successor is elected and qualified, as provided by law.
- (b) Duties. The Mayor shall be the chief executive officer of the City, and shall perform such duties as may be required by law or by ordinance. The Mayor shall have supervision over all executive officers and employees of the City, and shall have the power and authority to inspect and examine all books and records pertaining to City affairs and all books and record kept by all officers and employees of the City in their official capacities at any reasonable time. The Mayor shall act for and on behalf of the City on all formal occasions and at all formal receptions.
- (c) Appointment of officers. The Mayor shall have the power and authority to appoint and remove from appointment, 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. Any vacancies occurring in an appointive office shall be filled in like manner.
- (d) Designation of duties. The Mayor shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has otherwise been directed to perform such duty. Whenever there is a dispute or uncertainty concerning the respective duties or powers of any appointed officer of the City, such dispute or uncertainty shall be settled by the Mayor upon consultation with the City Attorney.
- (e) Mayor Pro-Tem. During any temporary absence or disability of the Mayor, the City Council shall elect one of its members to act as Mayor Pro-Tem, who shall possess the powers and authority of the Mayor, as provided by law and by ordinance.
- (f) Bond. Before entering upon the duties of the office, the Mayor shall execute a bond in such amount and with such sureties as may be required by law and by ordinance, conditioned upon the faithful performance of the duties of the office. The City shall pay the premium on such bond.

### .02 THE CITY CLERK. (2015-6)

- (a) The City Clerk shall be appointed by the Mayor with approval of the City Council for a term to run concurrent with the term of the Mayor and until the Clerk's successor is duly appointed and qualified.
- (b) Duties. The City Clerk shall perform the following duties:
  - 1. Seal and attest all contracts of the City, all licenses, permits and such other instruments and documents as are provided for by law or by ordinance.
  - 2. Keep a register of all licenses and permits issued, a record showing all of the officers and regular employees of the City, and such other records as may be required by law or by ordinance.
  - 3. Be the custodian of all papers, instruments and documents belonging to the City which are not assigned for custody to another officer of the City or to the Mayor or City Council.
  - 4. Keep and maintain a proper index of all documents and records in the Clerk's possession.
  - 5. Be the custodian of the City seal, and shall affix its impression upon all papers, instruments and documents as shall be required by law or by ordinance.
  - 6. Attend all meetings of the City Council and accurately record the minutes of all such proceedings of the City Council, and record and file in separate files all motions, resolutions, ordinances and other actions passed and approved by the City Council.
  - 7. Perform such other duties as may be required by law or by ordinance.
- (c) Bond. Before entering upon the duties of office, the City Clerk shall execute a bond in such amount and with such sureties as may be required by law or by ordinance, conditioned upon the faithful performance of the duties of the office. The City shall pay the premium on such bond.

**.03 THE CITY TREASURER. (2015-6)**

- (a) The City Treasurer shall be appointed by the Mayor with approval of the City Council for a term to run concurrent with the term of the Mayor and until the successor is appointed and qualified.
- (b) Duties. The City Treasurer shall perform the following duties:
1. Oversee the city bonds and maintain accurate records regarding said bonds, and shall report to the City Council, upon request, as to the status of said bonds.
  2. Invest City funds, not immediately needed, in approved depositories or move certificates of deposits between two depositories, in the best interest of the City. A list of certificates with due date, rate and current balance will be provided and approved in the monthly Financial Statements.
  3. Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all City departments, commissions, and boards.
  4. Shall compile an annual budget in accordance with the requirements of the Illinois Revised Statutes. Preparing budget, appropriation and levy with help of City Superintendent and Attorney
  5. Shall examine all books and records of all City departments, commissions, and boards which relate to moneys received by the City, City departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the City, City Departments, commissions, and boards.
  6. Compile Annual Report within six months of the close of the fiscal year, in accordance with the requirements of Illinois Revised Statutes.
  7. Financial Responsibilities in detail
    - A. Responsible for main audit, IDOT audit and Work comp Audit. This would include any audits by the state for grants & revolving loans.
    - B. Receive all monies paid into the City either directly or from other City officers and deposit in such legal depository as designated by the City Council at the start of the fiscal year.
    - C. Pay out City funds from invoices and requests, initialed and coded with account numbers by Department Heads. A Board Report will be approved at each meeting. The Utility Billing Clerk will review the check copy backup as listed above and sign the checks. If the UB Clerk is unavailable one of the Check signers designated by the City Council at the start of the fiscal year will review and sign the checks with two signatures required.
    - D. Maintain accurate records of deposits and expenditures through cash basis fund accounting on municipal software provided by the City. The Financial Statement will be approved monthly at the Council meeting. Records will show the financial condition of the City.
    - E. Open checking/saving accounts when receiving money for grants, loans or bond issues per state or federal requirements or changing accounts - two signatures are required.
    - F. Do the financial work involved with grants, revolving loans, loans, bonds and Motor Fuel accounts.
    - G. Payroll is outsourced. Shall be responsible for sending payroll to the vendor and posting payroll to accounting.
    - H. Act as HR and be representative for I.M.R.F., deferred compensation, health insurance and commercial insurance.
    - I. Other areas of responsibility. Maintain the Firemen's checking account.
  8. Keep the City funds separate and distinct from personal funds and all others, and shall not intermingle personal funds or any others with the City funds, and shall not make private or personal use of the City funds.
- (c) Bond. Before entering upon the duties of office, the City Treasurer shall execute a bond in such amount and with such sureties as may be required by law or by ordinance, conditioned upon the faithful performance of the duties of the office, and to indemnify the City against any loss due to any neglect of any duty or wrongful act on the part of the City Treasurer. The City shall pay the premium, on such bond.

**.04 THE CITY ATTORNEY.**

- (a) Creation of Office and appointment. There is hereby created the office of City Attorney, an executive office of the City. The City Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council. The City Attorney need not be a resident nor a qualified elector of the City, but he must be licensed to practice law in the State of Illinois.
- (b) Duties.
  - 1. The City Attorney shall be the legal advisor of the City, and shall render advice upon all legal questions affecting the City whenever requested so to do by any City officer. Upon the request of the Mayor to the City Council, the City Attorney shall reduce legal advice or opinions to writing.
  - 2. The City Attorney shall prosecute or defend any and all suits or actions at law or in equity to which the City may be a part, or in which the City may be interested, or which may be brought against or by any officer of the City on behalf of the City or in the capacity of such person as an officer of the City.
  - 3. The City Attorney shall act to enforce in full all judgment, decrees, or orders rendered or entered in favor of the City, and to carry out to completion all special assessment and condemnation proceedings.
  - 4. The City Attorney shall draft or supervise the drafting of all contracts, leases and other documents or instruments to which the City may be a party, and upon the request of the Mayor or City Council shall draft ordinances or resolutions on any subjects within the powers of the City.
- (c) Bonds. The City Attorney shall not be required to furnish bond before entering upon the duties of the office.

**.05 THE CHIEF OF POLICE. (section added 2015-10)**

- (a) Creation. There is hereby created the office and position of Chief of Police. Such office and position shall be filled by appointment of the Mayor by and with the consent and approval of the City Council.
- (b) Terms. The Chief of Police shall be appointed by the Mayor with approval of the City Council for a term to run concurrent with the term of the Mayor or until the Chief of Police successor is duly appointed and qualified.
- (c) Duties.
  - 1. It shall be the duty of the Chief of Police to supervise and assign all employees in the Police Department and the Chief shall have the general supervisory responsibility for the performance of all employees of the Department.
  - 2. The Chief of Police is hereby empowered to make and enforce by appropriate disciplinary measures such rules for the operation of the Police Department or the conduct of its employees as are reasonable and necessary for the performance of the duties of the Department. Such rules shall be effective when approved by the Mayor and the City Council.
- (d) Reports. The appointee shall be responsible solely to the Mayor and City Council for all matters coming under his/her control and shall regularly render a monthly report of the progress and condition of such matters to the Mayor and City Council. The Mayor, under authority of the City Council, shall exercise day-to-day supervision of the Chief of Police in matters of routine City operation.
- (e) Removal. The appointee shall be subject to removal from office upon the sole determination of the Mayor and City Council.

**.06 SUPERINTENDENT OF PUBLIC WORK. (2015-10 renumbered)**

- (a) Creation. There is hereby created the office and position of Superintendent of Public Works. Such

office and position shall be filled by appointment of the Mayor by and with the consent and approval of the City Council.

- (b) Terms. The term of the office of the said Superintendent shall be from year to year and shall commence on the first day of May in each year, and any individual duly appointed shall serve in such position from the first of May in each year to the first day of May in the year following, or until his successor shall be otherwise appointed and qualified. In the event of the resignation, death, or inability of the person so appointed to serve, a successor may be appointed by the Mayor by and with the consent and approval of the City Council to complete the unexpired term and such successor shall service until the completion of the unexpired term or until his successor is duly appointed and qualified.
- (c) Duties. It shall be the duty of the Superintendent of Public Works to correlate, control, superintend and otherwise see to the completion of all water and sewer projects which may be undertaken by the City or ordered done by the Mayor of the City, under authority of the City Council.
- (d) Reports. The appointee shall be responsible solely to the Mayor and City Council for all matters coming under his control and shall regularly render a monthly report of the progress and condition of such matters to the Mayor and City Council. The Mayor, under authority of the City Council, shall exercise day-to-day supervision of the Superintendent in matters of routine City operation.
- (e) Removal. The appointee shall be subject to removal from office upon the sole determination of the Mayor and City Council.

**.07 POLICE DEPARTMENT.** (section added 2015-10)

- (a) Creation. The Police Department of the City is hereby created and established. The Department shall consist of a Chief of Police, Police Officers and civilian employees in such numbers and at such ranks and position classifications as are established from time to time by the Mayor with consent and approval of the City Council.
- (b) Duties. The duties and functions of the Police Department and its employees shall include, but not be limited to the following:
  - 1. Preservation of the peace and order of the City through the enforcement of the law, apprehension and arrest of persons who have violated the law; regulation of traffic and parking; the prevention and detection of crimes; and participation in the criminal justice system;
  - 2. Service and execution of criminal process issued by a court of competent jurisdiction;
  - 3. Maintenance of records pertaining to any duty or function or as required by law;
  - 4. Maintenance of custody of lost, abandoned or stolen property;
  - 5. Performance of duties as from time to time may be imposed by law; and
  - 6. Performance of such other duties as may be required by the Chief of Police or Mayor and City Council.

State Law reference— Authority to prescribe powers and duties of police officers, 65 ILCS 5/11-1-2.

**.08 BONDS OF OFFICERS.** (2015-10 renumbered)

- (a) Every officer and employee of the City, as may be required so to do by law or by ordinance, before entering upon the duties of office or position of employment, shall give a bond execute a bond in such amount and with such sureties as may be required by law or by the City Council, which shall be subject to the approval of the City Council, and which shall be conditioned upon the faithful performance of the duties of the office or position of employment. Unless otherwise provided for by law or by ordinance, such bonds shall have as surety a company or corporation licensed to as surety in the State of Illinois and to do business in the State of Illinois. The premium on such bonds shall be paid out of the general funds of the City.
- (b) The amounts of bonds of certain elected and appointed officers and employees of the City shall be as directed by the Statutes of the State of Illinois.

**.09 OFFICERS AND EMPLOYEES OF CITY.** (2015-10 renumbered)

- (a) Effect of section. The provisions of this section shall apply alike to all officers and employees of the City, regardless of the time of the creation of the office or position of employment, and regardless of

- the time of the appointment of the officer or employment of the employee.
- (b) Appointments. The Mayor, by and with the advice and consent of City Council, shall appoint all officers of the City whose election or appointment is not otherwise provided for. The Mayor, after receiving recommendations from the respective department heads and committees of the City Council, shall with the advice and consent of the City Council select all employees and fill all positions of employment of the City. The Mayor may remove appointive officers or employees as provided in Section 1(c) of chapter 3 of this Code or as otherwise provided by law. (1993-3)
  - (c) Terms of office, vacancies. Every appointed officer and every employee of the City shall hold office or a position of employment for a period of one year from the date of appointment, or until his successor is appointed, chosen or selected and has qualified, except as may otherwise be provided for by ordinance, and except that employees shall serve only so long as their services are desired or as the terms of their position of employment require and provide.
  - (d) Assignment of duties. The Mayor shall have the power and authority to assign to any appointed officer any duty which is not assigned by ordinance or by law to some other specific officer, and the Mayor shall determine all disputes or questions relating to the respective powers and duties of such officers.
  - (e) Records. All records kept or maintained by any officer of the City shall be open to inspection by the Mayor or any member of the City Council at all reasonable times, whether or not such reports are required to be kept by statute or ordinance.
  - (f) Monies received. Every officer of the City shall at least once a week turn over all monies received by him in his official position to the City Clerk, with a statement showing the source from which the same was received, and shall take the City Clerk's receipt therefor.
  - (g) Oath. Before entering upon the duties of their respective offices, all City officers, where elected or appointed, shall take and subscribe the oath or affirmation as set forth in the Illinois Municipal Code.
  - (h) Salaries and wages. All officers and employees of the City shall receive such salaries or wages as may be provided from time to time by ordinance. No officer or employee receiving a salary from the City shall be entitled to retain any portion of any fees collected or received by him in the performance of his duties as a City officer or employee, in the absence of specific authorization to the contrary as may be provided by law or ordinance.
  - (i) Conservators of peace. The Mayor, Police Department and City Council shall be conservators of the peace, and shall have such powers of arrest, commitment, and detention as may be prescribed by law or ordinance. (2015-10)
  - (j) Termination of office or employment. Every office and employee of the City, upon the termination of his office or employment, shall deliver to his successor all books and records which may be the property of the City. If no successor has been elected, chosen or appointed within seven days after the termination of such office or position of employment, such property shall be delivered to the City Clerk or to the City Treasurer, and a receipt taken therefore.
  - (k) Employee residency requirement: Every current and future full time employee of the City of Fairbury, except clerical and full time sworn Police Officers, shall establish his or her residency within the city limits of the City of Fairbury within one year of the date of being hired and shall maintain said residency within the city limits of the City throughout the period of his or her employment by the City. Full time sworn current and future Police Officers shall establish residency within a 25 mile radius from Fairbury City Hall, 201 W Locust Street, within one year from the date of being hired and shall maintain said residency within a 25 mile radius from Fairbury City Hall, 201 W Locust Street, throughout the period of his or her employment by the City. Clerical employees shall establish residency within the boundaries established by the Prairie Central Unified School District #8 within one year of the date of being hired and shall maintain said residency within the School District boundaries throughout the period of his or her employment by the City. If a full time employee has not established residency within the city limits of the City within one year of the date of being hired, or as a full time Police Officer within a 25 mile radius of Fairbury City Hall, 201 W Locust Street, or clerical employees within the Prairie Central Unified School District #8, he or she may request an extension of said time limit from the corporate authorities for up to six months for good cause shown. Failure to abide by the terms of this subsection shall be cause for termination of employment. For good cause shown, the corporate authorities may grant an employee temporary permission to reside outside the city limits, or more than a 25 mile radius, or within School District boundaries for a period up to six months. (2017-1)

**.10 CORPORATE SEAL.** (2015-10 renumbered)

The corporate seal of the City shall be as follows: A circular disc with the words "Corporate Seal" inscribed in the inner circle there of, and the words, "City of Fairbury, Livingston County, Illinois" inscribed in the outer circle thereof.

**.11 FISCAL YEAR.** (2015-10 renumbered)

The fiscal year of the City shall begin on May 1 of each year and end on April 30 of the following year.

**.12 ELECTIONS.** (2015-10 renumbered)

Elections for municipal offices shall be held as provided by law, and in accord with such lawful regulation as may be made by ordinance by the Mayor and City Council.

**.13 BEGINNING OF OFFICE.** (2015-10 renumbered)

The Terms of elected officers of the City of Fairbury shall commence at the first regular or special meeting of the corporate authorities during the month of May following the proclamation of the results of the regular municipal election at which such officers were elected. (1989-3)

**.14 THE PROHIBITION OF THE SOLICITATION AND ACCEPTANCE OF GIFTS AND THE ADOPTION OF THE STATE GIFT BAN ACT (5 ILCS 425/1 ET SEQ) (section added 1999-10) (2015-10 renumbered)**

- (a) The State Gift Ban Act (5 ILCS 425/1 et seq), hereinafter called the Act, is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83).
- (b) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the City of Fairbury. All non-salaried appointed or elected officials are exempted from the Act and the provisions of this Section of Chapter 3 of the Fairbury Municipal Code.
- (c) To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the Mayor, by and with the advice and consent of the City Council, shall appoint an Ethics Officer of the City of Fairbury. The Ethics Officer's duties shall be as provided in Section 35 of the Act.
- (d) All complaints for violations of the Act and this Section of Chapter 3 of the Fairbury Municipal Code shall be filed with the State legislative ethics commission created by Section 45(a)(6) of the Act.
- (f) Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq) that becomes effective after the adoption of this Section .12 of Chapter 3 of the Fairbury Municipal Code shall be incorporated into this Section of said Chapter 3 by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section .12 of said Chapter 3 by reference without formal action by the corporate authorities of the City of Fairbury.
- (g) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq) unconstitutional in its entirety, then this Section .12 of Chapter 3 of the Fairbury Municipal Code shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearing's. Said Section shall be deemed repealed without further action by the corporate authorities of the City of Fairbury if the Act is found unconstitutional by the Illinois Supreme Court.
- (h) If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section .12 shall remain in full force and effect; however, that part of this Section .12 relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City of Fairbury.

**.15 STATE OFFICIALS AND EMPLOYEES ETHICS ACT: (section added 2004-3) (2015-10 renumbered)**

- (a) The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5ILCS 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) 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) 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) The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.
- (e) For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).
- (f) The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- (g) This Section 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 Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- (h) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.
- (i) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or re-hearings. This Section 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) If the Illinois Supreme Court declare 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 Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City.

**.16 PART TIME POLICE OFFICERS** (section added 2012-4A) (2015-10 renumbered)

- (a). That all police officers, other than those officers who shall be employed on a full-time basis, shall be required to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board; and
  - 1. Shall be a U.S. Citizen
  - 2. Shall have a High School Diploma or equivalent
  - 3. Shall be age 21 or age 21graduating Illinois Enforcement Training and Standard Board certified school (basic law enforcement training school)
  - 4. Shall have no felony conviction under any jurisdiction
  - 5. Shall complete job application
  - 6. Shall complete background investigation
  - 7. Must have 20/20 vision in both eyes with or without corrective lenses
  - 8. Must have a valid Illinois Driver's License
  - 9. Must comply with any request for mental or physical examinations
- (b) That the part-time officer will not work more than 1000 hours per year.
- (c) That the aforesaid hiring standard, with respect to part-time officers employed by the City of Fairbury, Livingston County, Illinois, shall be submitted to the Illinois Law Enforcement Training Standards

Board, as required by statute.